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Bilingual Education Policy in Texas: Pride and *Prejuicio*

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Bilingual Education Policy in Texas: Pride and *Prejuicio*

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Dedication

Louie, Amy, Marisol, Stephanie and Jesse

Thank you for your support, love and patience

Jordan, Joshua, Jonah, Karina and Andrew

Your inspiration and my dreams for you guided this work

To all of my classmates who were left behind *en la Elliott*

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I have a deep personal satisfaction for waiting to pursue my Ph.D. thirty-two years after I completed my M.Ed. My three children have all earned a formal education and I have lived to see them function very successfully with their exemplary families, community service, and dedicated religious lives. My unconditional love for my grandchildren will thrust me into the next phase of my life with *ganas* that are uncontrollable.

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I know in my heart that there are so many other people who need to be recognized because they have been a central part of my life. As an English Language Learner from the 1950's, I knew that I would always be indebted to and motivated by all of those students in Sonora, Texas, whose academic achievement was curtailed because of segregationist policy, resistance to new change and hegemonic attitudes. My mission is to contribute to the constant reformation of educational policy in Texas in order to allow immigrant students to retain their native language and to use it to learn English.

Bilingual Education Policy in Texas: Pride and *Prejuicio*

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This dissertation conducted a qualitative case study of the Texas Coalition for Bilingual Education (TCBE) to discover how it worked to promote and protect bilingual education programs and by extension educational opportunities of English Language Learners (ELLs) with particular attention to how members coalesced to mitigate the sociopolitical contextual factors that impacted bilingual education policy in Texas. The historical legacy and present creation and administration of policy, legislation, funding and implementation, including monitoring were included.

The ELL population continues to rapidly increase while effective and additive bilingual education policy is on the decline; the academic achievement of ELLs is deteriorating in the face of substantiated civil rights violations, growing anti-immigrant sentiment and a contentious legislative atmosphere.

My research indicates that bilingual education policy in Texas faces a well-financed threat from Structured English Immersion (SEI) proponents who try to justify the funding inequity for bilingual education. A court-ordered monitoring system for bilingual education has been replaced by a No Child Left Behind Act (2001) mandate that neither secures nor ensures equal education opportunity for ELLs (Pompa, 2006). Current bilingual education training programs are underfunded and under-populated when the growing enrollment of immigrant students, creates a critical demand.

I employed a constructivist/interpretivist framework in this qualitative single case investigation. Additionally, Critical Race Theory framework (Noboa, 2002; Dicker, 2003), was utilized to demonstrate how racial identity, Latino leadership, coalitional strategies, social justice goals and political organizations addressed the issue of bilingual education policy reformation in Texas. I also employed the “weak ties” “strong ties” lens (Granovetter, 1973; 1983) to examine how these organizational representatives worked within and without the coalition to maximize limited resources.

I collected data through interviews, court transcripts, observations of public meetings and trial proceedings, videos, archived documents and web casts.

This research has implications for educational practices and future research because of the vulnerability of the ELL population and the devastating impact the present path will have for them and for all of Texas. Today’s scholars, particularly Latinos, must be expert investigators in order to support the “best practices” in bilingual education, its attendant funding, policy, implementation and enforcement.

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CHAPTER 1

INTRODUCTION

In 2005-2006, over 684,000 English Language Learners (ELLs) were enrolled in Texas public schools, reflecting changing student demographics (TABE, 2006; TEA, 2004). Almost 50 percent of the student population in Texas is Latino (PEIMS, 2006), and therefore, it is increasingly important for the future of our state that we provide these students with the most effective researched-based educational programs and practices to increase their linguistic and academic achievement. State demographer, Dr. Steve Murdock (Texas State Data Center, 2006), has projected in The Texas Challenge in the 21st. Century that by 2040, it will be seriously detrimental to Texas if we continue to fail to effectively educate the Latino population either by means of bilingual programs, successful policies, or equitable funding.

Meeting Murdock's challenge is not an easy task and changing the educational trajectories for ELLs¹ is a responsibility that we as researchers/educators must take on. My research in Texas bilingual education policy incorporates a number of dynamic elements. One is an understanding of the legislative history of bilingual education and its implementation. Another element is the examination of a forceful Latino leadership comprised of individual activists and organizers as well as representatives of premier civil rights, educational, and other community organizations. Some of these organizations have joined forces over the years of

¹ In this study, I will refer to English Language Learners as "ELLs" rather than "LEPs" because of the deficit implications of the latter term. Please refer to the terminology section of this chapter for a broader explanation of these two terms.

struggle to ensure adequate financial and academic support of ELLs but nothing has approached the coalesced efforts of the Texas Coalition for Bilingual Education (TCBE) formed in 2004, whose purpose was to protect and promote bilingual education; it serves as the most critical research focus in this dissertation. Many events and efforts have played out against a backdrop of rancorous legislative sessions that dealt with school finance reform. It is imperative, therefore, that a focus of my dissertation be on school finance reform and its implications for bilingual education policy.

Specifically, my study investigates Texas' Latino leadership and its commitment to change the course of bilingual education policy in order to raise the achievement standards of Latino students in the public schools. I hope to inform and impress the reader with the monumental change that will be required to actualize this feat.

Research Questions

This investigation analyzes the history of Texas educational language policy as it has impacted Latino student achievement and its effect on the present status of bilingual education. It also examines coalition building and whether the formation of the Texas Coalition for Bilingual Education (TCBE) reveals a significant strategy in the struggle for equitable and effective bilingual education policy and the necessary passage of supportive legislation to implement this policy.

The following two questions guide this study:

First, within the Texas public school system, what are the sociopolitical contextual factors that have impacted bilingual education policy, legislation, funding, and implementation, with particular focus on the immigrant English Language Learner (ELL) population?

Second, as a case study in coalition building, what roles, strategies and coalescing partnerships within the Texas Coalition for Bilingual Education (TCBE) have been effective in promoting and defending bilingual education policy, legislation, funding and implementation, including monitoring, in the face of substantiated civil rights violations, growing anti-immigration sentiment, and a politicized legislative atmosphere?

With evidence garnered primarily from interview data and personal observation, as well as documentary evidence (legislative summaries, court cases, videos, live web casts, archives, community meetings, and public hearings on bilingual education issues), this study reveals the historical importance of organizational, coalition-building activities, while similarly suggesting their relevance today. When Murdock's due date of 2040 arrives and Texas takes stock of the educational accomplishments of ELLs, will the achievement gap with non-ELLs have narrowed or increased? This research builds on the valuable contributions of other researchers who have studied the coalitional activities characterized by political and legal struggles that date back to the mid-twentieth century. The purpose of this chapter is to provide the reader with a personal account of my journey to this topic of bilingual education policy. In the next major section that follows, I also provide a

rationale for my study that consists of assumptions that guide this work, terminology, a statement of significance, and the layout of this study. I now turn to my personal account that presents my subject position herein.

Background

I started to define my own concept of bilingual education when I first entered school as a monolingual Spanish speaker. My white teachers spoke only English and I was punished for speaking the only language that I understood. However, my classmates and I managed to learn because we used our native language for communication and to acquire the English language. Theories of Basic Interpersonal Communications Skills (BICS), Cognitive Academic Language Proficiency (CALP), and Common Underlying Proficiency (CUP) were part of an unknown world that I would eventually explore in the distant future (Baker, 1993, Cummins, 1986, & Krashen, 1983). In fact, we were the embodiment of Cummins' (1986) well-known threshold and interdependence hypotheses. Regarding the former, my siblings and I acquired a minimum threshold of first language cognitive-academic development that prepared us for success in English language learning. Regarding the latter, the cognitive and literacy skills that we established in Spanish transferred to English.

Numerous experiences and language exposure outside the classroom contributed to our proficiency in Spanish beyond simply naming objects and actions. A rich oral tradition where elders and visitors instructed us in the history, challenges, and richness of life outside our front door as well as lively debates and conversations

in Spanish helped us develop Cummins' CUP theory; in other words, we did develop skills, ideas, and concepts which we could transfer to English. Despite these successes, another hypothesis, namely, cultural deprivation—or institutionalized, school-based deficit-thinking—adversely impacted me and other Mexican-origin youth with whom I went to school. This was manifest in the curricular tracking and the low expectations that white teachers held toward us. We were never really expected to achieve.

Cultural deprivation still exists today and is embedded in the following assumptions that vex Latino educational achievement: (1) English cannot be mastered as long as the individual retains another language as the mother tongue; (2) using two languages as mediums of instruction causes academic retardation and even psychological confusion; (3) the low educational achievement among Latinos is directly attributable to their retention of Spanish, and (4) retention of a foreign language impedes the Americanization of those who speak it (Vega, 1983).

My educationally impoverished community lacked the power to prevent our entire barrio of capable students from becoming victims of educational neglect. My parents never understood why it was “wrong” to speak Spanish in school. Today, I attribute this to their never having learned about the No Spanish Rule of 1918. Alas, I am a product of the Sonora Independent School District (SISD) in West Texas, a segregated place that effectively abandoned many talented students who spoke Spanish and were trying to learn English. Unfortunately, throughout the mid-1940s, all of the students in Sonora attended a single, segregated elementary school which

lacked a cafeteria, library, and gymnasium. The SISD operated three separate elementary schools: the black school (a separate one-room school), the L. W. Elliott School (wholly *Mexicano*), and the Central Elementary School (los *Americanos-Anglos*) until 1965. The high school grades were integrated in 1948, and I was one of the fortunate few who struggled to graduate from Sonora High School in 1963. Over 50% of the Mexicanos that started high school with me dropped out due to the segregated conditions.

I enrolled at Angelo State University in San Angelo, Texas, with a dual major in Spanish and English building on my strengths as a “bilingual.” I graduated in 1967 and contracted with the Lubbock Independent School District to teach English and Spanish at Thompson Junior High where the enrollment was over 75% Spanish-speakers. I taught bilingually in both my English and Spanish classes because the students commanded varying levels of proficiency in both languages.

A few years later, the Mexican American Legal Defense and Educational Fund (MALDEF), founded in 1968, gained momentum through lawsuits that it filed against school districts which, as a result of segregated schools, provided separate and unequal education. In 1969, MALDEF sued the Sonora Independent School District. This suit alleged that this school district operated a “racially and ethnically segregated school system that came into existence as a de jure school system that perpetuated and maintained regulations, policies, directives, customs, practices and usages” (*Pérez v. Sonora ISD*, 1970). As an integral part of the judgment, a plan was submitted whereby a bilingual/bicultural curriculum was recommended. The

following letter reveals the adamant desire to perpetuate inequities that plaintiffs, including families and civil rights advocates had to face:

For our schools to teach in a bilingual manner as set up by the Bilingual Advisory Board and recommended to the State Board of Education is utter folly.

The students of Mexican American extraction in Texas schools do not speak Spanish. They speak “border Spanish” or Tex-Mex” which is almost unintelligible to anyone knowing the Spanish language well. This situation would entail the learning of both Spanish and English for these students.

Another factor is the time element involved in such a program which would obviously make it impossible to accomplish more than a fraction of the work previously covered in the same period.

Furthermore, is it imperative that students sacrifice their mode of education and speed of learning through this program which at the same time would be detrimental to the student of Mexican extraction and impede his progress?

I urge you to exercise every means at your disposal to prevent a bilingual program in our schools. (Pérez v. Sonora ISD: Letter authored by a parent and sent as part of a letter writing campaign against bilingual education, 1971)

Similar voices continue to express their opposition to bilingual education. A significant example is an editorial stating that students are “slowed” by bilingual education because it does not speed up their evolution into young Americans who are comfortable, fluent and successful in English (Montgomery, 2004).

During the 1960’s, 1970’s and very early 1980’s, bitter fighting over bilingual education took place in the Texas legislature (San Miguel, 1987). Bilingual education proponents sought to implement bilingual education funding, programs, and policies in order to remedy the same kinds of problems that we are faced with today. Even in this contention moment and prior to the establishment of bilingual education as law, the Laredo Independent School District established the first bilingual education program in Texas public schools in 1964 (Andersson & Boyer, 1976).

Conversely, at that time, my life was distantly isolated from the forces that were struggling to fight for bilingual education. To my chagrin, during my graduate studies at the University of Texas at Austin (2002-2006), I discovered that in 1975 Tom Massey, State Representative from the 72nd District in San Angelo, my place of residence after returning from Lubbock, had introduced House Bill 1640. This legislation limited bilingual education instruction to the third grade and gave local school districts the authority to discontinue a bilingual program at any time (San Miguel, 1987). At the time, he and I served as commissioners on a local board in San Angelo.

My own personal biography thus speaks to the flawed logic advanced by those who oppose bilingual education at the same time that it parallels the English-only assimilationist goals of an earlier time period as well as the bilingual education movement of the more recent period that began in the 1960s, which took a hiatus in the 1980s and 1990s, and reignited at the turn of the century. My biography thus connects past and present.

Connecting Past and Present

Prior to the contemporary moment documented herein, which contains a flurry of bilingual education advocacy that rivals to some degree that of the Mexican American Civil Rights Movement (San Miguel, 1987; Blanton, 2004; Vega, 1983), the last significant bilingual education legislation, namely Senate Bill 477, was passed by the Texas legislature in 1981. After a twenty-year break in bilingual

education policy formulation, a statewide coalition called the Texas Coalition for Bilingual Education (TCBE), calling for the preservation and improvement of bilingual education was formed in April of 2004. (See Appendix A) For reasons that this study explores, it is noteworthy that the Texas Association of Bilingual Educators (TABE), an organization not particularly known for its advocacy in recent years, also committed itself to political involvement.

Contemporary Latino leadership has clearly been energized by historical precedents set by our *antepasados* (forefathers and foremothers). Tejanos opposed English as the language of instruction which had been mandated by the School Law of August 13, 1870 (Montejano, 1987). The struggle intensified during the Americanization period of the 1920s after the enactment of the No Spanish Rule that declared the use of Spanish in the public schools as a criminal act and made English the official language in Texas (Blanton, 2004; San Miguel, 1987; & Vega, 1983). This rule meant that students were regularly subjected to monolingual language immersion (or “submersion”) in Texas public schools, resulting in widespread academic failure. Mexican American students were regularly retained in different grades and thereby represented high dropout rates and egregiously low educational attainment levels (Blanton, 2004).

This rule was eliminated by House Bill 103 authored in 1969 by Senator Carlos Truán. Truán clearly rode the political wave created by an unprecedented Mexican American/Chicano movement. This quest for civil rights incorporated cultural and language rights. Although not without its problems—including a lack of

leadership and resources at the local level—the Mexican American Civil Rights movement inaugurated a more hospitable era that embraced bilingual education for more than 20 years.

As evidenced by the formation of the TCBE to address legislative concerns that have taken place in the context of a much larger struggle for equitable school funding, today's struggles are reaching a new high point. In addition to the legislature, the State Board of Education and the courts constitute key sites for struggle. In February 2006, the Texas State Board of Education reconsidered the “problem” of bilingual education with an eye toward advancing “structured English immersion.” During their regular meeting that month, over twenty-five bilingual education advocates made impassioned pleas against English immersion as the model for the implementation of bilingual education in Texas. At virtually the same time, new civil rights litigation concerning a lack of compliance with bilingual education program monitoring as mandated in *U. S. v. Texas* (1971) was filed against the Texas Education Agency.²

Also worthy of note is the filing of recent legislation for the 2007 80th regular legislative session that calls for an end to bilingual education. This proposed legislation, together with a spate of other anti-immigrant bills, reflects a growing unease that corresponds to unprecedented demonstrations and shows of strength for

²² The *United States v. Texas* (Civil Action No. 6:71-CV-5281) was filed in the United States Court Eastern District of Texas Tyler Division in 1971/1972. It originally involved desegregation of the Del Rio school districts. The League of United Latin American Citizens (LULAC) and the American G. I. Forum became intervenors as plaintiffs in 1972. On February 9, 2006, Plaintiffs-Intervenors filed a Motion For Further Relief to the Court to enforce and secure compliance of the monitoring of programs. Judge Justice's decision is pending.

immigrants and immigrant rights. In ways that shall be revealed, the TCBE, links past with present efforts.

Rationale

In a building fashion, this section presents a brief layout of official bilingual education policy in Texas in order to explore the assumptions that guide this work and how these in turn are based on a much larger body of scholarship pertaining to the validity of bilingual education that I also review. The complexity here is that I concur with Valenzuela (1999) who critiques official state policy as subtractive at the same time that I consider the existence of state policy as not only a significant civil rights achievement, but also as better than the alternative, namely, a state of no bilingual education as is currently being pursued by members of the English-only movement (Porter, 1990; Baker, 1998; & Rossell, 1996).

Because state law provides a baseline in terms of ELLs' rights and entitlements, leadership in districts throughout our state has legal latitude within which to construct research-based programs. Hence, many of my concerns about bilingual education as expressed in this work refer to my dismay not only with policy, but also its implementation. The latter reflects back on district leadership that either prioritizes or fails to prioritize for whatever reason (e.g., funding, human resources, ideology) research-based approaches.

The State of Texas issued a policy statement ensuring that every student in the state whose home language is other than English and who is identified as limited

English proficient shall be provided a full opportunity to participate in a bilingual education or English as a second language program (§89.1201).³ It also defines a “student of limited English proficiency” as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary class work in English (TAC.§29.052). A district with an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level must offer a bilingual education program or special language program following a report from a language proficiency assessment committee (LPAC) (§89.1215).

With respect to program design, the state requires that three types of bilingual education programs be implemented in order to comply with laws concerning special language programs: (1) bilingual education in kindergarten through the elementary grades; (2) bilingual education, instruction in English as a second language, or other transitional language instruction approved by TEA in post-elementary grades through grade 8; and (3) instruction in English as a second language (ESL) in grades 9 through 12 (§89.1205).

Several exceptions, such as designing a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for exceptions, are acceptable (§89.1210). In the areas of content and methodology, the code states that a bilingual education program should be established in instruction that provides

³ Chapter 89. Adaptations for Special Populations. Subchapter BB. Commissioner’s Rules Concerning State Plan for Educating Limited English Proficient Students. Statutory Authority: The provisions of this Subchapter BB issued under the Texas Education Code, §§29.051-29.064. The provisions of this §89.1201 adopted to be effective September 1, 1996, 21 TexReg 5700.

for learning basic skills in the primary language of the students (TAC.§29.053). It further specifies that the programs should be designed to consider the students' learning experiences and to incorporate the cultural aspects of the students' backgrounds.

An approved oral language proficiency test (OLPT) in English is part of the entry criteria required for acceptance in a bilingual education program in grades Pre-kindergarten through Grade 1 (§89.1225). The same is required in grades 2 through 12 with a reading and Language Arts section of an English, norm-referenced standardized achievement test approved by the state (unless the English ability is so low that it would invalidate the test) (§89.1225).

Similarly, exit criteria determine whether an ELL can exit a bilingual education or ESL program. A student may exit at the end of the school year based on an LPAC assessment of his oral and written language proficiency development (§89.1225 (h)). A student who has been classified as Limited English Proficient (LEP), must achieve in the 40th percentile or higher on the Language Arts and reading portions (only) of a norm-referenced standardized achievement test (§89.1225 (h) (1)). The student must meet state performance standards on the reading and writing portions (when available) on the English Language criterion referenced test, the Texas Assessment of Knowledge and Skills (TAKS). (TEC § 39.023). In addition to the stated exit criteria, the student's proficiency in his/her native oral and written language must be assessed. (TAC § 89.1225(h)(1)). However, there is an exception: a student may not be exited from the bilingual education or ESL program in Pre-k

through Grade 1 (§89.1225 (i)). The ultimate goal, as Valenzuela (1999) conveys, is to transition children into the all-English curriculum, making it a subtractive policy framework devoid of the goal of fully-vested bilingualism or literacy. The next section explores the assumptions that guide this analysis.

Guiding Assumptions

Notwithstanding Thomas and Collier's view expressed below that Texans "tolerate" bilingual education for Latinos, the historical record points to a much more insidious pattern of injustices that tracks back to the racist attitudes that perpetuate it.

I am getting rather tired of the Rio Grande and the greasers, of all of the contemptable, despicable (sic) people on earth the greasers in my estimation are the lowest, meaner even than the Cummanche. They are ugly, thieving, rascally in every way and to be educated only makes a greaser the grander rascal. (Letter of George L. Robertson to his sister, from Rancho Palmito, March 26, 1864; George L. Robertson Papers, 1839-1869, University of Texas Archives, Austin, Texas, in DeLeón, 1983)

Although this statement was made in the mid-1800s, it conveys in very clear terms how prejudice and discrimination have compromised the academic achievement and social mobility of Mexican Americans in Texas, generally. My first guiding assumption is thus the inextricable connection between the education (bilingual or otherwise) of language minorities and their history of oppression and subordination as a colonized community that was striving to reclaim its land, heritage and language rights, including part of a broader educational strategy for mobility (Montejano, 1987 ; Blanton, 2004; Zamora, 2000).

One of the practices that concerns research-based scholars and practitioners today—particularly when so much is already known about effective bilingual education as discussed shortly—is the early exiting of children from bilingual programs as soon as possible in the elementary grades. Students in English as a Second Language (ESL) programs at the secondary level are similarly being rapidly transitioned into the English-only curriculum in spite of the fact that globally, bilingual Latinos are experiencing success in open-ended fields that include the media and the global economy (Portes, 1995).

The opportunity to research and write this dissertation will be a roadmap whereby I can answer questions that I have about bilingual education policy. After developing an interest in the field of policy, and most particularly, in Latino educational policy, the last five years have been full of concern. Specifically, the experience of attending public education hearings of the 78th and 79th Texas Legislatures and special sessions (2003, 2004, 2005, & 2006) has driven me to seek answers to questions about English language acquisition, development, and maintenance of native Spanish language literacy.

Through my research, I have discovered that the history of bilingual education policy in Texas has been defined by a transitional policy framework. By “transitional,” I refer specifically to the Texas Education Code law that specifies that each district is required to offer bilingual education and special language programs for students of limited English proficiency in bilingual education, instruction in English as a second language, or other transitional language instruction approved by

the agency in post-elementary grades through grade 8 (TEC § 29.053 (d) (2)).

According to this framework, bilingual education provides instruction in the student's native language while developing their proficiency in a second language, namely, English (Fishman, 1976; Cummins, 1986; Baker, 1993; & Crawford, 1999).

While better than no bilingual education, this transitional policy framework remains subtractive rather than additive. By this I mean that rather than building on the child's native tongue and encouraging both bilingualism and biliteracy, transitional bilingual education (TBE) construes the child's language as a tool for the larger goal of English language acquisition and learning (Valenzuela, 2001, Gómez, 2005).

Even within a TBE framework, it seems that bilingual education policy has lost its connection to everyday practice. As a result of Chapter 89, the state guarantees bilingual education through grades 5 or 6; but in fact, the widespread tendency of exiting children as early as grade 3 or sooner continues to pick up momentum. This reality can be directly attributed to the educational philosophy and implementation of the national No Child Left Behind Act.

In contrast, my personal yet pedagogically sound view of bilingual education leads me to imagine a heretofore non-existent framework of bilingual education in an ideal world where bilingual education is offered from k-12 either through a developmental or dual language approach. In this context, "developmental" means that bilingual education is in the child's native language for an extended duration, accompanied by education in English with the goal to develop bilingualism and

biliteracy in both languages (Baker, 1996). Both developmental and dual language are additive models that encourage both bilingualism and biliteracy (Gómez, 2005).

Although state policy does not embody this expressed ideal, current law supports the practice of bilingual education to a greater extent than is currently implemented. This gap is an unwelcome reminder of the bright academic future denied to many members of my Texas generation, simply because we lacked the English proficiency required for subject matter.

The impact of federal No Child Left Behind (NCLB) legislation passed in 2001 on both bilingual education policy and practice is of great concern. That is, since federal laws trump state law and since NCLB calls for exiting ELLs by grade 3 or as soon as possible after three years of enrollment in an English language acquisition program, then state law is thwarted, as practice aligns to meet federal guidelines.⁴

This painful divide between the real and ideal, as well as between that to which children are entitled but are being denied creates a difficult situation for those like me who want to support Texas bilingual education; unfortunately, hard-fought policy victories are neither routinely translated into constructive classroom practices nor sufficient to counteract powerful, federal legislation.

In terms of state laws, I further assume for my purposes here that the “problem” with bilingual education is one of implementation rather than policy per

⁴ As per a telephone conversation with Katherine Leos, Director of the Office of English Language Acquisition (OELA) on November 15, 2006, she stated that Congress will not intervene with any state bilingual program as long as funding is appropriated by the state even after a student has been enrolled in an English language learning program for three years and she/he has not achieved full proficiency in English.

se. If bilingual education had been implemented in a way that corresponds to state law—which includes effective monitoring of bilingual education programs—more positive results in Texas public schools would be evident. Recent court action by MALDEF and other civil rights organizations was necessitated by a lack of TEA compliance with monitoring requirements. This willful neglect on TEA's part demonstrates its unwillingness to acknowledge or support the status and importance of bilingual education policy.

Language policy and its implementation include matters of social justice due to Texas' legacy of educational injustices (Valencia, 1981).

Language policy development connects a school district's educational philosophy and the day-to-day practice of educators. An educational philosophy elaborates the aims a school district has for its students; language policy, on the other hand, engages day-to-day practice because it is concerned with how students are going to achieve the aims through language. Moreover, administrators and teachers, in their educational practice, participate in an ongoing process of language planning, a process linked to power and social justice issues (Trujillo, 2005)

On the basis of my on personal experiences and review of the legislative history of English language learners, it is clear that language policy in Texas was initially developed to facilitate students' second language acquisition, enabling their participation in an equitable educational environment. Although late-exit bilingual (either developmental or dual language) programs have a spotty history even into the present, this study further assumes that early-exit transitional programs predominate in elementary public schools statewide roughly according to extant bilingual education policy. The next section briefly explores the vexed prospects for ELLs

against the backdrop of a historically shifting demographic and legislative backdrop (Cummins, 1985; Crawford, 1999; González, 2001).

The ELL Challenge in Legislative and Demographic Perspective

In 1969, Senator Carlos Truán sponsored House Bill 103 that authorized bilingual education in Texas by repealing the No-Spanish Rule of 1918. Although, Truán's bill passed, it could not be implemented because it was severely unfunded (TEA, 2000). In 1981, Truán's Senate Bill 477 authorized all of the current appropriations and legal requirements of bilingual education programs (TAC Chapter 89.Subchapter BB; TEC §29.051-29.064; San Miguel, 1987; Blanton, 2004). Subsequently, in 1982, the state of Texas guaranteed undocumented students the right to a free public education in *Plyler v. Doe* (San Miguel & Valencia, 1998).

At the time of the passage of Senate Bill 477, ELL enrollment was approximately 198, 872 or 7% of the total student population (Policy Research Report, 1997). In contrast, recent data show that enrollment of ELLs has increased to over 600,000, including native speakers of more than one hundred languages. These figures represent in excess of 300,000 bilingual program students, more than 200,000 in ESL programs, and approximately 75,000 in special education programs (PEIMS, 2004).

In the Texas Challenge report, demographer Murdock, has prophesied from stark findings that by 2040, Latinos in Texas will comprise almost 60% of the population (Texas Data Center, 2004). By 2040, 25 percent of Latinos 25 years or

older will attain a high school level of educational attainment, with fewer than 10% completing a college education.

At present, ELLs score below the 50th percentile in TAKS achievement and below the 20th percentile in the science component (AEIS, 2004). Researchers and bilingual education advocates attribute this achievement decline, in some measure, to the strict accountability requirements mandated in the No Child Left Behind Act of 2001 (NCLB) (Valenzuela, 2005; McNeil, 2000; Sloan, 2005). Experts contend that the Latino achievement gap could be closed with extensive and intensive specialized instruction, including native language instruction (Multicultural, Education, Training, and Advocacy [META], 2005 & Thomas & Collier, 2001).

At the elementary level, effective bilingual education programs are being diluted and destroyed due to early-exit transitional programs, particularly at present with the privileging of the English language within NCLB (Krashen, 2005). The influence of this powerful policy stream notwithstanding, evidence has shown that at the lower grade levels where almost all bilingual education takes place, students who had the benefit of additive bilingual programs—like late-exit, developmental bilingual education or dual language programs—outperform all other students on the 4th grade TAKS exams in English Language Arts (ELA) and math (TEA, 2004-2005). As the same students reach grades 6, 8, and 10, where little or no bilingual education takes place, and nearly all classroom instruction is in English, their academic performance declines dramatically (PEIMS, 2004). At the high school level, due in part to the language-dependent nature of the English-only Texas

Assessment of Knowledge and Skills (TAKS), results in high disappearance (dropout) rates for ELL youth. In a recent analysis of the 9th grade ELL Texas cohort in 2004 that track these students to their 10th grade year, Valenzuela, Fuller & Heilig (2006) found that a full quarter disappear (or dropout) from the educational system. Before exploring the research evidence on bilingual education, a brief summation of Texas bilingual education policy is essential in order for the reader to have a clear understanding of the implementation of language programs. All policy mandates are under statutory authority and the provisions of Commissioner's Rule (TAC Chapter 89.Subchapter BB) issued under the Texas Education Code, §29.051-29.064.

What the Research Evidence Suggests

The study of bilingual education is fraught with numerous differences of opinion. Conclusions drawn from research evidence on the effectiveness of bilingual education programs have often been controversial. The well-known Baker and De Kanter Report of 1983 leveraged one of the most serious scholarly challenges to the validity of bilingual education. Baker and De Kanter argue that Structured English Immersion (SEI) promote content and English can be taught together by teaching content through learner-appropriate methods. SEI, especially the direct instruction model, finesses the identification problem by using English to teach students who have trouble with English. In their longitudinal report about the effectiveness of bilingual education, they posit that too much use of the non-English language in the

classroom is very damaging to the learning of English for the ELL (Baker & De Kanter, 1998).

Ann Willig (1985) presented a meta-analysis review that was favorable to bilingual education. She combined academic achievement scores from a large set of statistically unrelated studies. It was a partial replication of the Baker and de Kanter Report. Her findings concluded that native language use is important as a vehicle of instruction. She also discovered that bilingual education had been badly served by lack of adequate research (Willig, 1985). Jay Greene (1998) made a scholarly meta-analytical report in a systematic and statistical review of the literature of the effectiveness of bilingual education. His findings indicated that students with limited English proficiency who are taught using at least some of their native language perform significantly better on standardized tests than similar children who are taught in English only. Most recently, Rolstad, Mahoney, and Glass (2005) in another meta-analysis report on English language learners showed that bilingual education is consistently superior to all-English approaches and that developmental bilingual education programs are superior to transitional bilingual education program.

Later, the Ramírez Report, an evaluation study conducted during a four-year period with 2,000 Spanish-speaking students in five states, refuted the Baker and De Kanter Report, “Federal Policy and the Effectiveness of Bilingual Education (1998), by demonstrating that “late-exit,” developmental bilingual education programs proved superior to “early-exit,” transitional bilingual programs and English-only immersion programs, substantiating the long-term benefits of late-exit bilingual

programs (Ramírez, et al, 1991). This study clearly demonstrated that sustained promotion of children's primary language can serve as an effective route to academic excellence and literacy in two languages (Cummins, 1991). He countered the idea that intensive exposure to English is the "best way to teach language to minority children" (Cummins, 1991).

Thomas and Collier (2001) completed a very thorough and comprehensive five-year (1996-2001) research project which studied culturally diverse students, with particular focus on English learners in grades kindergarten through 12th. Since my research is on Texas bilingual education policy, this study is significant because Houston, Texas, was one of the five regions that was selected throughout the United States. In Texas, they conclude, "tolerance of bilingualism is the general social response to Hispanics" (Thomas & Collier, 2001).

One of the most recent studies, the Report of the National Literacy Panel for Language Minority Children and Youth (2005) states that focusing on instruction on key components such as phonemic awareness, decoding, oral reading fluency, reading comprehension, vocabulary, and writing has apparent benefits, but that proficiency differences in students of second language require adjustment in instruction to meet these students' needs (Rolstad, Mahoney, & Glass, 2005).

The Texas Successful Schools Study: Quality Education for Limited English Proficient Students (2001) is one of the most significant reports that substantiate earlier expressed guiding assumption that bilingual education works. One of the authors of this study, Oscar Cárdenas, was one of the Latino leaders that I chose to

interview. His history of personal commitment to bilingual education will be explored in Chapter Five when I disclose the findings of his three-year project collaborated by TEA, seven elementary campuses selected as successful schools, and Texas A&M University-Corpus Christi for research support. The effective schools correlatives that were used are: (1) a clear school mission; (2) high expectations for success; (3) instructional leadership; (4) frequent monitoring of student programs; (5) opportunity to learn and student time on task; (6) safe and orderly environment; and (7) home-school relations (Cárdenas & Seidner, 2001).

On balance, research evidence on well-designed, well-staffed, and well-funded bilingual education programs overwhelmingly points to positive, achievement-gap reducing effects (Cárdenas, 2001 & Thomas and Collier, 2001). Josefina Tinajero (2005) claims that “Texas is poised to be the model for bilingual education; a paradigm of what is possible when children’s cultural and linguistic diversity are treated as assets.” Ample evidence has thus accumulated which shows that bilingual education can be an effective tool for educating students whose primary language is a language other than English. The findings and conclusions have shown that dual language, late-exit, and maintenance programs are the most effective relative to transitional programs (Ramírez, 1984; Thomas & Collier, 2001; Willig, 1985; Greene, 1998; & Rolstad, Mahoney, & Glass, 2005). With respect to English acquisition, native-language instruction is part of the solution, not part of the problem (Krashen, 2005).

The academic debate on bilingual education has been ongoing since the inception of bilingual education both at the national and state levels. Jim Cummins (1999) believes that few issues in North America have become as volatile or as ideologically loaded as the debate on the merits or otherwise of bilingual education. Research has played a prominent role in this academic debate. Rosalie Pedalino Porter, Director of the READ Institute and Chairman of the Massachusetts Commission on Bilingual Education, confirms that the longer English immersion programs are in place, the higher the achievement scores of students on reading, language and math tests in English (Porter, 1996, 2000).

Terminology

Students who are surveyed, tested, and evaluated according to their native language proficiency and knowledge of English, are then labeled and grouped. Nomenclature and methodologies have changed over time as a result of changing accountability policy, desired academic outcomes, and the prevailing political climate.

A student of limited English proficiency (LEP) was the original term used to identify a student whose primary language was other than English and whose English language skills were such that the student had difficulty performing ordinary class work in English (Subchapter B. Bilingual Education and Special Language Programs: § 29.052). Limited English Proficient (LEP) is the term used by the federal government and most states and local school districts to identify those students who

have insufficient English to succeed in English-only classrooms (NCLB, 2001).

Increasingly, the terms English Language Learner (ELL) or English Learner (EL) are used in place of LEP. The No Child Left Behind Act of 2001 identifies English Language Learners as students with a primary language other than English who have a limited range of speaking, reading, writing, and listening skills in English. I have selected the term ELLs for this study because of its wide acceptance and use.

All LEP students are English language learners, but not all ELLs are officially designated as “LEPs.” That is, many ELLs are not either in bilingual or English as a second language (ESL) programs because they never received instruction in such a program or because they tested out of the programs. At the high school level, where bilingual education is not offered, “LEP” status therefore means students have been identified as being in an ESL program (Valenzuela, 2006).

For the purpose of this study, the terms Tejano, Mexican American, Chicano, Latino, and Hispanic are used in distinct ways, especially at specific historical eras. The context in the narrative should clarify the usage.

Tejano refers to native Hispanic inhabitants of Texas (Tijerina, 1994; DeLeón, 1982; Poyo, 1996; Hinojosa, 1983).

The term Mexican American was a creation of the American political system to identify persons who were Mexican citizens prior to the Treaty of Guadalupe in 1848. It does not reflect a race of people, and said identification is not a self-imposed term (Montejano, 1987; McWilliams, 1948; García, 1989; Márquez, 1993; Zamora, 2000; Meier & Ribera, 1993; & De la Garza, 1985).

Chicano is a widespread self-identifying term which attempts to redefine the political, social, economic, and cultural status of Aztlán and its inhabitants starting in the 1960's when many young Mexican Americans were using the term as a litmus test for a political frame of mind (Quiñones, 1990; Montejano, 1999; Trujillo, 1998; and Acuña, 1981).

Marta Tienda (1996) asserts that the coining of the label Hispanic combines colonized natives and their offsprings, foreigners and political refugees under one ethnic umbrella, but the unity of this label is questionable on theoretical and historical grounds. Government agencies started to disseminate literature referring to Latinos as Hispanics in the early 1970s. The name Latino then began to emerge among grassroots sectors of populations as a progressive alternative to the state-implied bureaucratic label Hispanic (Oboler, 1995). Ethnologists have established a taxonomy of seventeen Hispanic subcultures in the United States in an attempt to demonstrate that a unitary Latino subculture does not really exist (Robinson, 1998).

David Hayes-Bautista and Jorge Chapa (1987) defend the use of the term Latino and convincingly argue that the main unifying factor among peoples of Latin America descent in the United States is political:

The current debate over terminology of Latinos in the United States continues this 160-year-old conflict, sometimes verbal, sometimes armed, over Latin American identity. Only now, it is further recognized in Latin America, that a major element in current Latin American identity is the relation to the U.S. ...In sum, we propose using a nationality-derived term, "Latino," to describe a geographically national origin group that has been constantly and consistently viewed and treated as a racial group, in both individual and institutional interaction while in the United States.

Only one of the interviewees in this study was of Latino origin other than Mexican. Viviana Hall, an activist and founder of ENABLE is of Colombian origin. ELLs in Texas now come from countries all over Latin America. Therefore, Latino is the term that I will most widely use in writing this study.

Significance of Study

This study is not only significant to me but also to research on bilingual education policy development in Texas. Only a handful of books have been written on the development of bilingual education policy since the No Spanish Rule of 1918. These books and authors are the following: “Let All of Them Take Heed”: Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981 (San Miguel, 1987); The Strange Career of Bilingual Education in Texas, 1836-1981 (Blanton, 2004); and Education, Politics, and Bilingualism in Texas (Vega, 1983). None cover bilingual education policy after 1981. Although the English-only initiative rampant at the national level was mirrored in Texas from 1981 to the present, there is a striking parallel absence of significant proposed legislation.

When President Bush signed the No Child Left Behind Act of 2001 into law, the Office of Bilingual Education and Minority Language Affairs (OBEMLA) became the Office of English Learning (OELA). Title VII of the Elementary and Secondary Education Act (ESEA), which had transformed the way language-minority students were taught in the United States and promoted equal access to the curriculum, training a generation of educators, and fostering achievement among

students, quietly expired as it became Title III (Crawford, 2002). The requirements for breakneck English language acquisition for ELLs contained within the NCLB diametrically contrast with the political dormancy of policymakers and advocacy groups supportive of both early- and late-exit bilingual education programs. Additionally, the specter of Texas' historic lack of fiscal commitment, compounded by its current crisis in school finance, as well as increased levels of anti-immigrant sentiment in our state as well as nationally, promise to further politicize and polarize the struggle for educational equity for ELLs.

Proponents of bilingual education intend that bilingual education be a pedagogical instrument to bring the school to the child in a positive manner (González, 2001). Bilingual education is one of the few existing official commitments to children that recognizes their culture and enhances their opportunity to learn English (Blanton, 2004; Sánchez, 1965; Andersson & Boyer, 1976). Why has it been such a laborious process to implement the original plan that our bilingual education founders had envisioned? Our children are failing and dropping out of school because their needs have not been met (Robledo, 2005). Further, the social construction of deficit thinking is prevalent in existing discourses of “culturally disadvantaged” youth, the “socialization of apathy,” and the “cultural deprivation” (Valencia, 1997). Therefore, this study capitalizes on an important historical moment wherein Latinos in Texas have realized that bilingual education legislative policy should be at the forefront of critical public concerns.

The bilingual education debate has been a political, rather than pedagogical, issue in Texas (Ten Who Dared, 1993). This study investigates how the Latino leadership countered the strategies and different political ideologies of those who have resisted native language instruction and how they have done so historically in great part through coalitions. Since bilingual education frequently shares a similar fate to immigration reform, there is an immediate need for the Texas Coalition for Bilingual Education to continue to advocate for policy change. The emergence of this coalition revealed an organized force willing to challenge those who impede the continuation of bilingual education. MALDEF's recent legal actions on behalf of ELL's attest to continuing advocacy for bilingual education by the Latino civil rights community.

Organization of Study

I have organized this dissertation as a qualitative study of bilingual education policy in Texas. Following this introductory chapter which includes the presentation of my research questions, the second chapter provides an analysis of relevant literature, including books, interviews, court documents, videos, documentaries, and live and archived web casts.

In chapter three I discuss research methodologies that I employ to generate, gather, and analyze data which includes interviews, legal documents, archived historical accounts, public meetings, web casts, videos, documentaries, and other sources. I employ an interpretive/constructive theoretical lens in my analysis. In

keeping with the topic of this dissertation, primary research was carried out in Spanish and English.

I proceed with chapter four which covers issues in current Texas public school finance reform. This chapter relates how the reform of public school finance, a contentious issue that was the subject of numerous special legislative sessions, impacts Texas language education policy.

Chapter five includes the data that I gathered from interviews of key members of the Texas Coalition for Bilingual Education (TCBE). Theories on coalition building contribute to the study and explain how the formation of coalitions is strengthening the political power of Latinos all over the United States.

The last chapter will be a summary of my data analysis and conclusions on the impact of Texas bilingual education policy on Latino student achievement. I also reveal my findings of the effectiveness of the Texas Coalition in its mission to preserve and advance bilingual education in Texas in order to dismiss the detrimental predictions for 2040 in the Texas Challenge in the 21st. Century report.

CHAPTER 2

REVIEW OF THE LITERATURE

Introduction

“Education research is difficult because of the complex nature of the phenomena studied (Boote & Beile, 2005). Additionally, Kuhn (1970) reminds us that subfields of education do not typically approach the clarity of ‘normal science.’” Further, Shulman (1999) argues that generativity—that is, “the ability to build scholarship and research on those who have come before us”—is an important hallmark of academic scholarship. Generativity is a challenge to seekers like myself who encounter a paucity of scholarship that examines the long-term benefits of prolonged bilingual education exposure and other issues that are particular to the progress and well-being of Mexican American and immigrant Latino students in Texas. The recent dispute over drop-out rates also helps illustrate the apparent political overtone that bespeaks a self-interest on behalf of data-gathering agencies, such as TEA, which makes its information suspect. Many individuals with valuable information to contribute about their educational experiences and challenges or that of their neighbors, co-workers, or family members were not considered appropriate research subjects due to the pervading attitudes of the times. Furthermore, much of what has preceded this inquiry is tainted by the distorting effects of racism and classicism which have permeated life and scholarship in the United States and obviously, the entire educational system.

Very few Mexican American scholars had the opportunity to interpret the history, lives, and experiences of their Mexican American community (García, 1993; Levine, 1996; Noboa, 2003). It should be noted, however, that while the works authored under these inherent limitations do offer insight into the prevailing mindset of the time, such research falls short of the dynamic contribution that research situated in the experiences of the community itself would have provided.

In all fairness, as Boote and Beile (2005) maintain, “in many cases, the body of literature on a topic is limited by the research methods used and advances within the field can be traced back to increased methodological sophistication.” The relatively recent arrival and acceptance of Critical Race Theory and other research perspectives that ring true to the growing number of “minority” researchers make academic scholarship more than just trying to fit into a model that for generations excluded us. Notwithstanding issues of prejudice and the inherent limitations that accompany the long-term development of the field, I draw on this, as well as newer bodies of knowledge in order to craft this review of scholarship.

Marshall and Rossman (1995) state that one of the goals of a literature review is to demonstrate the underlying assumptions behind the general research. Drawing on San Miguel’s (1987) framework for addressing the history of bilingual education, this chapter similarly considers litigation, legislation, and changing political contexts in order to make the case of a vacuum in policy formulation during the contemporary period, and also to frame the backdrop against which coalitional politics provide a contemporary strategy for change. I hardly suggest that policy development or

formulation is absent from the current period, rather that it is limited when viewed in historical perspective as the chronology that follows demonstrates. However, since this is a study of coalitional educational politics, I must offer a disclaimer.

In my review of historical accounts, newspapers, journal articles, video tapes, archives, and court documents, I found plenty of information on Tejano organizations and leaders. This chapter makes all of this apparent.

Examples of competition rather than cooperation among groups are a staple of the history of Tejano organizations when they were newly formed. Kreneck's (2001) biography of Houston's civic leader Félix Tijerina states, "At this time (mid-1950's) competition existed between LULAC and the American G.I. Forum in their organizing efforts across Texas and elsewhere. The two groups vied with one another for prospective members and over many of the same issues. Fortunately, present-day efforts involve collaboration and coalitional strategies among Latino groups in attempts to affect policy and public opinion in matters of public education.

Economic necessity and lack of access to many political and cultural institutions have necessitated coalition building in the Latino community in situations where, perhaps, a wealthier more politically powerful population could "go it alone." MALDEF, which formed part of the core of what was called the Latino Lobby (Sierra, 1991) received its critical and initial funding from the Ford Foundation. F. Chris García states, "Coalition politics must be one of the major strategies of a relatively powerless minority group. Latinos will continue to explore alliances with other reform-minded groups."

Subjects who were interviewed for this study are members of key organizations which often joined with other groups to form coalitions in order to have their point of view reach a wider audience as well as influence the larger community's perspective. LULAC, represented by subject Héctor Flores, has joined with the National Association for the Advancement of Colored People (NAACP) among other well-known organizations; MALDEF, represented by David Hinojosa, forms coalitions with premier organizations including the American Civil Liberties Union (ACLU) and the Multicultural Education, Training and Advocacy (META), among other groups. Joe Bernal has worked coalitionally with IDRA, LULAC and MALDEF.

Table 1

Acronyms and Organizations

Acronym	Organization	Subjects
TCBE	Texas Coalition for Bilingual Education	
LULAC	League of United Latin American Citizens	Héctor Flores Angela Valenzuela
IDRA	Intercultural Development Research Association	Albert Cortéz Ana Alicia Romero
TABE	Texas Association of Bilingual Educators	Leo Gómez
MALC	Mexican American Legislative Caucus	Roberto Alonzo Pete Gallego
MALDEF	Mexican American Legal Defense and Education Fund	David Hinojosa
TACHE	Texas Association of Chicanos in Higher Education	Rudy Rodríguez
ENABLE	Effective Networking for the Advancement of Bilingual Education	Viviana Hall Shentelley Shepherd
Community Activists		Oscar Cárdenas Angel Noé González Joe Bernal
Legislative Consultant		Jesse Romero
Organizations that support TCBE		
TAMAC	Texas Association of Mexican American Chambers of Commerce	
AGIF	American G. I. Forum	
NALEO	National Association of Latino Elected Officials	
TCJC	Texas Criminal Justice Coalition	
ACLU	American Civil Liberties Union	
SVREP	Southwest Voter Registration and Education Project	

Single Case Study

Stake (2005) affirms that a single case is very meaningful in terms of other cases. I cannot compare my qualitative study of the TCBE to any other because such historical accounts do not exist and this is but one gap in Latino educational scholarship.

It is beyond the scope of this dissertation to examine coalitional politics in education in other eras. Given a recorded history, however, of mutualista (mutual aid society) organizations (Zamora, 2000; Calderón, 1984), it is safe to assume that current accounts have left out this framing, on the one hand, and that coalition politics in the educational arena surround much of what has been accomplished politically as elaborated below. This study thus helps fill this gap while also suggesting the utility of an analytical frame that considers the process of educational change through coalitional politics.

With this caveat in mind, I assert the existence of an “unprecedented coalition” primarily because in terms of recent memory, it may be characterized as such. After this chronology of litigation and legislation, details on this case study follow. The last major section of this chapter examines current scholarship and theorizing on coalition-building, generally, and how such politics among Latinos take on their own unique flavor because of the unique positionality of this minority community.

Cultural Considerations

A cultural affinity for cooperation and concern for group well-being rather than a distinctly individualistic view of success and survival have helped Latino leaders and organizations coalesce into groups that are able to fulfill the necessary roles that lead to change and progress. I present two examples. One is a “tamalada”, an event which usually takes place toward Christmas in which a number of people gather to assemble many tamales in a relatively short amount of time. Depending on the tradition of the particular tamalada, some participants may prepare an ingredient, such as shredded meat or soaked corn husks at home. While the mood is festive, the work is crucial, and everyone’s cooperation and participation is needed for the job to be successfully completed.

If you were to observe a traditional tamalada, you would see people who share some common experiences and perspectives, but certainly are not in agreement in all matters. They set these differences aside and unite to reach a shared goal. Each member contributes skills and expertise. Some group members assume what could be characterized as a mentoring role to help less-experienced group members. The group reaches an agreement with respect to the distribution of tasks. Their single goal benefits the larger community and gives them the enthusiasm to work together until their goal is reached. A tamalada is a coalition and serves as an example of coalitional behavior inherent in Latino culture.

Another example, perhaps a bit more of an academic stretch, is the “padrinos” system of financing quinceañeras and weddings, in which people come together to

help a family member, neighbor, or close friend celebrate and pay for a major event which would otherwise be financially out of reach. This is in stark contrast to the traditional Anglo practice of putting financial responsibility squarely on the shoulders of the honoree's parents.

Roles, Raza and Research

In Moyer's Movement Action Plan, Moyer (2001) identifies four roles that are necessary for successful social movements – the Citizen, Rebel, Reformer and Change Agent. While the first two categories bring to mind numerous individuals dedicated to education from Sor Juana Inés de la Cruz (1652-1695) to raulsalinas (1999).⁵ Latino coalition members accomplish the tasks of "Reformers" and "Change Agents" through their use of court challenges to "get the movement's goals, values, alternatives adopted into official laws, policies and conventional wisdom" and "put issues on society's political agenda" (Moyers, 2001).

It should be noted that, members of Latino coalitions in Texas have been overwhelmingly composed of individuals of Mexican descent. While this, obviously, does not indicate total agreement on social issues, this group does not have the challenges that some national Latino political coalitions face in combining overriding views of Cubans, Puerto Ricans, and other Latino groups (Rodríguez, 2002).

⁵ See appendix C for raulsalinas' poem, "Overcoming a Childhood Trauma" and his issues about not being able to speak Spanish in the classroom.

Critical Theory and Historical Veracity

My intellectual search for knowledge on, and personal experience with, bilingual education contributed to my decision to use critical theory and its specialized subcategory, critical race theory, as a research modality. Dicker (2003) helps parse the pure linguistic issues from those that are political, social, and economic in historical debates over bilingual education. Dicker states:

The language of the original European Colonists, English has always been the prominent language of the U.S. However, throughout the nation's history, English has coexisted within a host of other languages. Attitudes towards these other languages fluctuate with the economic, social and political realities of the moment. These attitudes lead to policies that linguist Ofelia García (1985) has categorized as "tolerance- oriented, promotion oriented and restrictive." Under tolerance oriented policy, minority language speakers have the right to cultivate their mother tongue in the private sphere. Promotion-oriented policy regulates the ways in which public institutions may use or cultivate minority languages and cultures. Restrictive policy intentionally represses minority languages.

Some vocal opponents of any form of "bilingualism" also put their attitude and analysis in a larger social context. Wildavsky (1992) calls bilingualism, "one of the perennial problems of our time sure to cause consternation and heartburn and symptomatic of a number of elemental conflicts... that constitute running sores in American public life."

Critical theory is known in the world of qualitative research as an alternative paradigm (Denzin & Lincoln, 1998) or as "ideologically oriented inquiry" including neo-Marxism, materialism, feminism, Freireism, or participatory inquiry (Guba, 1990). This ontology is derived from a historical realism that is shaped by a social, political, cultural, economic, ethnic, and gender value that has been crystallized over

time with an epistemology that is transactional and subjectively inherited in value-mediated findings (Denzin & Lincoln, 1998). Methodology is very dialogic which is in contrast to the experimental and manipulative methodology of the positivist (Pinar, 2000). In this paradigm, knowledge accumulates as it grows and changes through a dialectical process of historical revision (Denzin & Lincoln, 1998). The chronology that I present attempts to erode ignorance and in so doing, hopefully provides a stimulus to action to change bilingual education policy in Texas.

Julio Noboa (2003) cites several tenants of propositions which most Critical Race Theory (CRT) scholars agree upon, although there are a considerable variety of beliefs and specific issues which the CRT movement encompasses. Among those are the following:

1. Racism in our society is normal, not an aberration, therefore it is difficult to cure or address.
2. Our system of white-over-color ascendancy serves important material and psychic purposes.
3. Race and races are products of social thought and relations, and do not correspond to any significant biological or genetic realities.
4. Each race or ethnic group has its own origins and ever-evolving history, with the dominant society creating shifting images and stereotypes of each group over time and circumstance.
5. No person has a single, easily stated unitary identity, but rather has conflicting, overlapping identities, loyalties and allegiances.

6. Because of their different histories and experiences with oppression, Black, Latino, Asian, and Indian writers and thinkers may communicate to their White Counterparts certain matters that they otherwise are unlikely to know.

This perspective is particularly significant in the use of oral materials, be they elaborate histories or interviews. Much of what I have learned as a family member, both personally and in the formation of my cultural values, as well as my role as an academician and researcher has come from what is called “the oral tradition.” These stories have shaped and continue to shape my thinking on bilingual education, race relations, and social inequality today.

In terms of interviews that I conducted with subjects herein, data that I include as part of a great buzz of conversation include such data as chats, or “*pláticas*”, “talk” on radio and television stations, press conferences, meetings, work-sessions, to mention a few sources of this often fleeting exchange.

Although, the questions of objectivity in oral memory generated much debate in its earlier days, oral historians no longer apologize on that account. As Portelli (forthcoming) has stated so eloquently:

The discrepancy between fact and memory ultimately enhances the value of the oral sources as historical documents. It is not caused by faulty recollections...but actively and creatively generated by memory and imagination in an effort to make sense of crucial events and of history in general. Oral history sources tell us not just what people did, but what they wanted to do, what they believed they were doing and what they now think they did.

History of Bilingual Education in Texas: Overview

The history of bilingual education policy formulation in Texas can be divided into three distinct time periods, but up to this moment, each time period has been examined with varying degrees of misinformation and a lack of information about its primary recipients, namely, Spanish-speaking students. It is only with a study of these overlapping contexts that this research will be meaningful and to the extent possible, respectful toward the tenacity and intelligence of the generations who have wished for and actively sought meaningful educational opportunities for their communities.

One need only recall the ferocious struggles that took place in the agricultural fields and academic institutions throughout the Southwest during the late 1960s and early 1970s (Acuña, 1981; DeLeón, 1983). Relevant primary sources finally became available during that time in the form of books, newspapers, magazines and research, birthed by the stalwart efforts of students and laborers who brought their demands, archives, and under-appreciated wisdom and intelligence to their respective arenas.

The history explored in this dissertation begins in 1821 and covers three distinct time periods, namely, the “Bilingual Tradition Era,” the “English-only Education Era,” and the “Modern Bilingual Education Era.” Each stage is defined by the particular political climate of its time. The first phase, the Bilingual Tradition Era began in 1821 and ended in 1893. The late 1800s and the early 1900s paved the way for a gradually imposed system of Americanization, leading into the next historical phase. The clearly defined time period between 1918 and 1947, termed the English-only Education Era, is so named because of legislation passed in 1918 that required

students in public schools to speak only English, depriving Spanish speakers their right to speak their native tongue (Blanton, 2004). Nevertheless, at this time in history, Tejanos continued to make language choices based on their heritage in spite of Anglo restrictions. Following that era is one that is focal to this work, that is, the Modern Bilingual Education Era, from 1947 through the present that includes the formulation and passage of bilingual education policy (San Miguel, 1987; Blanton, 2004).

The Bilingual Tradition Era (1821-1893)

Texas became a part of the New Mexican nation in 1821 (Blanton, 2004; San Miguel, 1987; DeLeón, 1982; De La Garza, Bean, Romo, & Alvarez, 1985). From the onset of the Spanish arrival and conquest of the Americas, language exchange began between indigenous peoples and the Spaniards. In Texas, the bilingual tradition was gubernatorially authorized when the Spanish missionaries were instructed by the colonial viceroy of New Spain to teach indigenous peoples the language of the fatherland, i.e., Spanish (Castañeda, 1954). Continuing onward, a variety of second language acquisition activity exploded due to the movement of linguistically diverse populations throughout Texas history (Tijerina, 1994).

Though Spanish language involvement is often perceived as the sole tradition that finds expression in different policies across time, Blanton (2004) reminds us that other minorities such as the Germans, Poles, and Czechs formed part of this bilingual tradition in Texas. They also learned English as the perceived common

language, and often lost their language of ancestral origins as each generation passed. Blanton (2004) very astutely titled his award-winning study *The Strange Career of Bilingual Education in Texas 1836-1981*. He clarifies his selection of this title by stating that “bilingual education’s strange career in Texas is known yet unspoken.” This competently researched early history of bilingual education during the 18th century clearly explicates the vibrant bilingual tradition in Texas that included several languages other than Spanish.

Despite this diversity, the bulk of public and scholarly debate has grown out of the vexed political dynamics associated with Spanish-English bilingualism and biculturalism (San Miguel, 2004). These dynamics are best understood when placed in their social and economic context. Several critical changes affected the Texas economy between 1880 and 1900: the closing of the range, the introduction of the railroad, and the beginning of commercial farming (Tijerina, 1994; Eby, 1954; Flores, 2002; García, 2002). This period was marked by new relationships, habits, and practices, resulting in the establishment of a social order which was fragmented into various ethnic and class divisions (Flores, 2002).

Following the War for Independence of 1836, Anglo-American rule supplanted Spanish-Mexican authority (Castañeda, 1958). Also in 1836, the traditional designation of Tejanos became “Mexican American” (Hinojosa, 1983). When Texas became part of the Mexican nation in 1821, the new government brought few changes to its northern settlements (De León, 1982). Anglo migration

significantly increased and as a result, Texas Mexicans lost political control (Stewart & De León, 1993; Hinojosa, 1983).

Anglo Texans complained that the Mexican government had failed to provide even the barest foundation for public education (Tijerina, 1994). Also, Anglo Texans pursued a course whereby English would prevail over Spanish (Stewart & De León, 1993) and that their culture, as well, would dominate in the schools. In 1854, the Common School Law provided for the first public school system in Texas creating the Texas Permanent School Fund (Blanton, 2004; San Miguel, 1987). In 1866, the appointment of a school superintendent was necessary in order to more efficiently develop the public school system (Blanton, 2004). A year later in 1867, an office of education was established (Blanton, 2005). But the educational system that developed in Texas came late to the Mexican settlement regions, therefore causing a literacy gap between both the Anglo and Mexican communities that still exists today.

Anglo dominance, characterized by widespread disparaging attitudes towards the Spanish language and its speakers, aimed to eliminate the use of Spanish in public affairs. In 1841, state leaders in both houses of the Texas legislature adopted a joint resolution to suspend the printing of laws in the Spanish language (McWilliams, 1990). In 1856, a law restricted the use of Spanish in the courts. As early as 1856, the original English language law was enacted which was tied to a fund for the establishment of public schools (DeLeón, 1982). Finally, in 1870, English was prescribed as the language of instruction for all public schools and English-only mandate laws governed teacher certification. English-only instruction, curriculum,

and school conduct were instituted in the early 1880's (Eby, 1954). As the bilingual tradition era was coming to an end, stipulations that teachers take certification exams in English-only effectively outlawed the bilingual tradition in Texas public schools (Blanton, 2004; San Miguel, 1987).

Even as Tejanos were subjected to social subordination, they continued to recognize and pursue education as an important factor in their social adaptation. They enrolled their children in religious institutions where they could be taught in Spanish in order to instill racial pride, follow Mexican national traditions and history, and learn to read and write in Spanish (Montejano, 1987). Vega (1983) claims that due to the lack of the benefit of a body of research and scholarship on bilingual education, these Tejanos predicted contemporary debates and evidence that points to the importance of bilingual education for social adjustment and mobility. As an extension of the plight of Mexican Americans, San Miguel and Valencia (1998) identify similar major themes that characterized the schooling of Mexican Americans in the Southwest from the time of the Treaty of Guadalupe Hidalgo (1848) to the Hopwood decision (1996), the landmark case that gutted affirmative action in higher education.

English-Only Education Era (1918 and 1947)

Tejanos underwent an aggressive Americanization period from the 1920's to 1930s (Acuña, 1981; Hinojosa, 1983; Montejano, 1987, 1999). It was a popularly held belief that to be an American, one had to be able to participate in its linguistic mainstream (Brumberg, 1986). This resounding cry was common all over America as

immigrants arrived from numerous lands (San Miguel & Valencia, 1998). However, Spanish speakers who had been here for centuries had not fully integrated into the dominant linguistic culture (Castañeda, 1936). As the bilingual tradition waned, any form of bilingual education in Texas remained illegal. The education of Mexican Americans was based on the attitudes and associated pedagogies of the Americanization Movement (Blanton, 2004). Americanization programs revealed the assumptions made about Mexican culture and the version of American culture which Anglo American migrants brought with them (Sánchez, 1993).

As part of the Progressive Movement in education, the desire for a fundamental shift towards meaningful policy and participation among Anglo leaders in Texas emerged as part of a broad set of educational objectives that attempted to create educational systems that were perceived to be more rational and effective in design (Blanton, 2004). Of relevance to Mexican Americans and European-origin groups that offered native language instruction in their public community schools, stipulations that teachers take certification exams in English-only effectively outlawed the bilingual tradition in Texas public schools. In this new monolingual educational environment, it was considered unnecessary, even superfluous, for a classroom teacher to have any knowledge of Spanish, but in some districts, they did have a new responsibility with regard to this other-than-English language. They were expected to monitor students' language use both within and outside the classroom, including on the playground; a student who was caught speaking Spanish could be expelled from school for this violation of language policy (Blanton, 2004).

Newspapers and trailblazing education activists.

On the political front, State Representative J. T. Canales from Brownsville became the first Texas Mexican legislator (San Miguel, 1987). Around 1911, a coalition of mutualistas (mutual aid society) galvanized the community of Laredo through the efforts of La Crónica (Hinojosa, 1983; Zamora, Orozco, & Rocha, 2000). Newspapers provided an important role in maintaining literacy in Spanish, dispelling the myth of rampant illiteracy in the community. La Crónica, a prominent Spanish newspaper in Laredo was headed by Jovita Idar who helped establish and lead the Liga Femenil Mexicanista. La Crónica also advertised for teachers' services and reported on the public examinations given by the escuelas (Acosta & Winegarten, 2003) Some wealthy Tejanos in San Diego, Texas, even contributed land to build schools, including the nonsectarian San Diego Grammar School where Sixto Navarro was a schoolteacher in 1896 (Castillo-Crimm & Massey, 2003).

Teresa Palomo Acosta and Ruthe Winegarten (2003) have traced stories of specific women who pioneered public and private education. For example, Adina Emilia De Zavala, granddaughter of Lorenzo De Zavala, the first vice president of the Republic of Texas, was an educator and author of Tejano history in the early nineteenth century. With the ambition of maintaining the Spanish language throughout South Texas and South Central Texas, Tejanas helped establish and operate private escuelas to offer Tejano children the opportunity to study academic subjects, as well as to maintain their language and culture (Zamora, Orozco, & Rocha, 2000). Colegio Altamirano was founded in Hebronville in 1897 by Dionicio

Peña and operated until 1958. It prepared students to enter careers in education, medicine, and law (Acosta & Winegarten, 2003). The Liga Femeníl Mexicanista was founded by women at El Primer Congreso Mexicanista held in Laredo in 1911 (Zamora & Rocha, 2000). These women were dedicated to teaching Mexican children and supported the *escuelita* system of education in which they set up schools in their homes to teach a bilingual/bicultural curriculum (Limón, 1974).

“The conservation of the heritage of the Spanish language is an eloquent illustration that it is indeed an ill wind that does not blow somebody some good” (Sánchez, 1970). Why would Tejanos be so “stubborn” about relinquishing their mother tongue? The reason is that they persisted in the maintenance of Spanish because they were different from immigrant groups whose European ancestry destined them for ultimate absorption into the English-speaking population. Tejano families inhabited this land as a part of the state of Coahuila, Mexico, before the invasion of the Anglos.

Tijerina (1994) writes about the history of Tejanos and families from Mexico in the nineteenth century. His research directly links the present educational system to the efforts of Tejano local government leaders to maintain local control over schools. The Anglo Americans’ concept of private education was a contrast to the Tejanos’ educational philosophy of free education for the poor. Poyo (1996) concludes that this era of progressive education in Texas was full of complex interactions that included a continuity of historical patterns of exclusion from full public life, alongside

meaningful developments in terms of the promotion of Spanish-language literacy in the Tejano community.

Despite these efforts by the Tejano community to increase their social standing, the State of Texas passed the English-only Law in 1918 as an attempt to enforce the subtractive concept of Americanization (Acts 4th C.S., 1918, Penal Code of Texas). During this difficult period for Tejanos, Texas created a Texas State Department of Education that in turn issued a curricular guide on how to teach non-English speaking children in 1924 (Blanton, 2004).

The League of United Latin American Citizens (LULAC). LULAC was founded in Corpus Christi, Texas, by Alonso Perales in 1929, as the Tejano community leadership efforts started to coalesce (Márquez, 1993). The organization was formed from a merger of three Mexican American civic organizations—the Corpus Christi chapter of the Order of Sons of America the Order of Knights of America of San Antonio, Texas and the League of Latin American Citizens of South Texas. LULAC has worked consistently and effectively in advocating equal opportunity for Latinos in government, law, education, and business.⁶

LULAC has continuously urged all Latinos to reject divisive legislation which declares English as the official language of the United States. Its stance on English-Only continues to be well-argued, logical, and unwavering.

To continue with this narrative, LULAC filed *Salvatierra v. Del Rio Independent School District* in 1930. In this first class-action lawsuit against

⁶ The LULAC Presidential Papers Project is archived at the Nettie Lee Benson Latin American Collection at the University of Texas at Austin.

segregated schools in Texas, the Del Rio School Board was sued by Jesús Salvatierra and several other parents on the charge that students of Mexican descent were being deprived of the benefits afforded students of “other white races” (San Miguel, 1987, 2001). As the Tejano community became more aware of the injustices evidenced in the lack of adequate school policy, they continued to mobilize. The Liga Pro Defensa Escolar (or “La Liga”), founded in San Antonio by Eleuterio Escobar, became a fierce advocate for Mexican American children (Stewart & De León, 1993).

Push for participation

The years from 1940 to 1965 brought many changes. Mexican American leadership, particularly from the ranks of veterans, started to coalesce due to their social and economic experiences during World War II (García, 2002). This mobilization of leadership eventually led resistance to the English-only Education era in the early 1960's.

A coalition of social, civic, labor, and religious groups, as well as LULAC and the distinct mutualista groups, involved themselves in efforts to create change in policy by encouraging the political Anglo stronghold to include their participation in the formation of laws that benefited Mexican Americans (Montejano, 1987; Muñoz, 1989; Zamora, Orozco, & Rocha, 2000). The Office of Inter-American Affairs was then created by Governor James “Pa” Ferguson in 1943. This led to the establishment of the Good Neighbor Commission and The Good Neighbor Policy Committee. The latter was composed of pioneers in education including Carlos E. Castañeda, Connie Garza Brockette, Sophia Lozano, Consuelo Méndez, George I. Sánchez, Estella

Canales, José de la Luz Sáenz, and Hershel T. Manuel, who conducted teacher training sessions. They also led conferences for inter-American relations in areas all over Texas (San Miguel, 1987).

Two years later in 1945, the First Regional Conference on the Education of the Spanish-speaking People in the Southwest was held December 13-15 in Austin, Texas. The issue of language policy was one of the main topics of concern and discussion (UT Benson Library, George I. Sánchez papers). At the University of Texas at Austin, student representation raised political awareness when students such as Cristóbal Alderete addressed the problems of segregation and inferior public school facilities. This led to the filing of a complaint with the Texas State Department of Education to remove accreditation from the Del Rio schools for segregation in 1949 (Benson Library, Ed Idar papers).

The Modern Bilingual Education Era (1947-Present)

Racial and linguistic segregation and transitional English language learning marked this period that began in the late 1940's and continues through to the present with the passing of the No Child Left Behind (NCLB) legislation in 2002, a policy that presents difficulties for what remains of bilingual education today. Specifically, NCLB transformed the focus of bilingual education from programs that taught limited English proficient (LEP) students primarily in their native language to ensure subject mastery while they gained English language proficiency to programs whose sole

focus was to transform these children into English Language Learners (ELLs) in the shortest possible time.

Important legal and political developments, both at federal and state levels, that involve the creation and establishment of key organizations punctuate this time period. Because of their individual and collective goals as organizations, this history serves as the backdrop to the present analysis regarding the individual and collective conversations of these organizations to the bilingual education struggles at the closing and beginning of the century.

A Faint Spotlight of Academic Research Begins to Shine

“The Study of the Educational Opportunities Provided Spanish Name Children in Texas School Systems” by George I. Sánchez and Virgil E. Strickland in 1948 revealed gross inequities in the schooling environment of Spanish-speaking children compared to that of their Anglo contemporaries. Since the Mexican American leadership had been strongly galvanized for the previous twenty years as mentioned above, LULAC, together with attorney, Gus García, filed *Delgado v. Bastrop Independent School District* (1948) alleging linguistic segregation. This landmark case prompted the examination of the Inter-American Test in Oral English (Blanton, 2004; San Miguel, 1987). At the same time, Dr. Hector P. García and other WW II veterans were organizing the American G. I. Forum. The Corpus Christi Chapter conducted a survey of fourteen school districts to prove non-compliance with federal education decisions and administrative regulations, such as the use of

kindergarten education especially designed for Spanish-speaking children (García, 1989).

After the Texas Education Agency (TEA) was created by the Gilmer-Aiken reform laws in 1949, a Texas Council for the Study of Human Relations was commissioned by Governor Allen Shivers (Blanton, 2004). This group worked with key leadership to negotiate crucial documents with the TEA and the State Board of Education (Vega, 1983). The “Statement of Policy Pertaining to Segregation of Latin American Children” documented evidence that facilitated the introduction of nine cases before the Commissioner of Education of alleged discrimination and segregation (San Miguel, 1987; Meier & Stewart, 1991).

At the federal level, the Department of Health, Education and Welfare (HEW) was established by President Dwight D. Eisenhower in 1953 and the historic *Brown v. Board of Education* case banned racial segregation in the public schools in the United States in 1954 (Crawford, 1999). Immediately afterwards, the *Hernández v. Driscoll Consolidated School District* became the first post-Brown Mexican American federal desegregation case (San Miguel, 1983; Allsup, 1977).

The struggle for educational equity continued with LULAC at the helm. In 1959, LULAC’s Félix Tijerina and Isabel Verver founded the Little Schools of 400 and the plan was adopted as a method of preschool instruction with passage of Texas House Bill 51 (Kreneck, 2001). This established, in effect, the first Head Start program in the state of Texas. It came into existence nine years before President

Lyndon B. Johnson endorsed Head Start legislation that became a central feature of his Great Society program.

Mexican American Leadership and Federal Programs

Indicative of effective coalition building in the Mexican American community, Mexican American leadership gained powerful momentum. The Political Association of Spanish-speaking Organizations (PASSO), formed by leaders including Albert Peña from San Antonio, devised political strategies to advance education and civil rights (Hernández, 1983; Sepúlveda, 2003). John F. Kennedy was elected President in 1961, and he immediately appointed Reynaldo de la Garza as the first Mexican American federal judge.⁷ The Civil Rights Act of 1964 and the Elementary and Secondary Act of 1965 (ESEA) were high-water marks for President Johnson's War on Poverty, particularly since both of these measures endorsed bilingual education at the state and federal level (Meier and Ribera, 1993).

President Lyndon B. Johnson signed the Bilingual Education Act of 1968 and this significant legislation propelled a movement in Texas to create the legal arm for LULAC, namely, the Mexican American Legal Defense and Educational Fund (MALDEF) (De la Garza, Bean, Romo, and Alvarez, 1985).

⁷ In 1963 I was elected state secretary for the American Jr. G. I. Forum at its annual state convention in Del Rio, Texas. Judge De La Garza, keynote speaker, was introduced as the newly appointed federal judge.

The Mexican American Legal Defense and Education Fund (MALDEF). MALDEF was founded in San Antonio, Texas, in 1968. It is the foremost leading nonprofit Latino litigation, advocacy and educational outreach institution in the United States. Shortly after its founding in 1973, MALDEF filed *Keyes v. School District No. 1*, in Denver, Colorado. MALDEF was successful in promoting bilingual/bicultural education as remedies in desegregated schools. Similarly, the *Pérez v. the Sonora Independent School District* decision of 1969 is but one of many examples in which court decrees were issued declaring the implementation of bilingual education programs as a remedy.

The case of *Rodríguez v. San Antonio Independent School District*, a class-action suit was filed on behalf of Demetrio Rodríguez and other parents in the Edgewood School District (Irons, 1988). The federal district court found Texas' financing scheme in violation of the equal protection clause of the United States Constitution. Nevertheless on appeal, the U. S. Supreme Court ruled that a state does not have a constitutional duty to ensure that poor districts get the same funding as wealthy, property-rich districts. (Kozol, 1992). The Edgewood School District has historically been a very poor school district, with virtually no commercial generators of taxes. Its constituency was composed of mostly Spanish-speaking students. Therefore, financing for bilingual education was direly under-funded.

Therefore, the Latino leaders recognized the necessity for relevant and objective research and the Center for Mexican American Studies (CMAS) at the University of Texas at Austin was founded by Américo Paredes. This institution

created many opportunities for creative programs to replace the inadequate curricula for Spanish-speakers which was currently in use (Fraga, Mier, & England, 1988). Raúl Yzaguirre became a trailblazer in the founding of the successful National Council of La Raza (NCLR), an organization that to this day remains one of the largest, non-partisan organizations focused on reducing poverty and discrimination and improving educational opportunities for Latinos.

The State of Texas was one of the states that pioneered the modern bilingual education movement. The passage of the national Bilingual Education Act late in 1967 and Johnson's signing it into law in early 1968 marked the beginning of federal efforts to develop and operate bilingual education programs. The Bilingual Education Act, Title VII of the ESEA of 1968 established federal policy for bilingual education for economically disadvantaged language minority students, allocated funds for innovative programs, and recognized the unique educational disadvantages faced by non-English-speaking students (Baker, 1993). Texas soon legitimized bilingual education through legislative action and local initiative.

The First Bilingual Education Bill in Texas

The 61st Texas Legislature passed the state's first bilingual education bill, House Bill 103, on May 22, 1969 (San Miguel, 1987; Blanton, 2004; Vega, 1983). It was passed through the courageous efforts of House Representative Carlos Truán from Corpus Christi and Senator Joe Bernal from San Antonio. Before enacting this legislation, lawmakers would have to repeal the "English Only" statute of 1918, which declared it a misdemeanor for any teacher or administrator to use a language

other than English in school or to assign non-English language textbooks, except in high school foreign language classes (TEA Policy Research Report, 2000).

Accordingly, the legislation allowed, but did not require, school districts to provide bilingual instruction through Grade 6 (Vega, 1983).

Without delay, civil rights attorney James DeAnda, filed a suit against the Corpus Christi Independent School District on behalf of José Cisneros and twenty-five other Mexican-American parents. They charged it with operating a de facto dual school system which was the educational equivalent of first- and second-class citizenship. *Cisneros v. Corpus Christi Independent School District* recognized the parents who filed suit as a minority group that could be and was frequently discriminated against. Such segregation and discrimination was ruled unconstitutional.

The decision replaced the “other white” argument based on *Hernández v. State of Texas* which had provided constitutional rights based on class discrimination where Mexican Americans had not been identified as a separate race (Vega, 1983; Blanton, 2004; San Miguel 1987). These decisions and legislation prompted the creation of the Bilingual Education State-wide Plan in 1971 (TEA Policy Research Report, 2000).

Lau v. Nichols, filed in 1974, was instrumental in the creation of educational language rights for minorities; it permitted the use of the native language for instruction. The Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act and that school district must take

“affirmative steps” to overcome educational barriers faced by non-English speakers (Crawford, 2002). Congress passed the Equal Educational Opportunity Act, extending the Lau Decision to all schools. The Lau Remedies were later instituted as the standard for compliance at the national level.

Mexican American Legislative Caucus (MALC)

The Mexican American Legislative Caucus (MALC) was formed at the Texas State Legislature in 1972. It is composed of Latino members of the Texas House of Representatives and the group lobbies other legislators and fights for legislation that is beneficial to Latino issues. By 1987, the number of state Latino legislators had rapidly grown due to the increased participation of Latino voters who were aware of the need of changing policy for all arenas that affected their welfare. This increase resulted in part from the efforts of the Southwest Voter Registration Education Project (SWVREP) and the congressional redistricting in the 1960s and 1970s (Orozco, 2004).

Senate Bill 121 amended the Education Code to provide for the establishment of bilingual education program content, method of instruction, and allotment of the Foundation School Fund for operational expenses and transportation. This bill was passed again by Senator Carlos Truán with the support of the Texas Association for Continuing Adult Education and LULAC (San Miguel, 1987). The bill stipulated the following: (1) 20 or more LEP students in grades 1-6; (2) \$2.7 million for the biennium; (3) \$15 for each LEP student for instructional materials; (4) adopted

textbooks; (5) addressed the certification of bilingual education teachers; and (6) provided guidelines for curriculum (TEA Policy Research Report, 2000).

House Bill 1126 which concerned public school finance passed and added kindergarten to the bilingual programs. Unfortunately, it offered a tradeoff for removing grades 4-6 from the program; it made these grades optional. Beyond the 5th grade, bilingual education was at the district's expense (San Miguel, 1987).

Bilingual education revitalized by a legal victory. The Mexican American Legal Defense and Educational Fund (MALDEF) had originally filed *United States v. Texas* No. 5281 in 1971.⁸ In response, Judge William Wayne Justice ordered both the consolidation of the San Felipe/Del Rio Consolidated Independent School District and the implementation of a comprehensive program of bilingual/bicultural education (Blanton, 2004). It is noteworthy that throughout the early 1970s, Mexican Americans and proponents of bilingual education suffered serious setbacks in legislation and civil rights issues, partly attributable to the fact that Mexican Americans were not being elected as school board members.⁹ Additionally, the demise of La Raza Unida Party and the splintering and ultimate dilution of campus-based student movement compromised numerous efforts (San Miguel, 1987).

Therefore, at the request of MALDEF, LULAC and the American G. I. Forum decided to become interveners and the old desegregation case, *United States v. Texas*,

⁸ The original case was filed on December 6, 1971, in the U. S. District Court, Eastern Division, Tyler, Texas.
<https://www.fastcase.com/Yahoo/Start.aspx?C=ddeb86f30210f4d31643f42ea3a5d92ebcd053aa6b4fa6&D=e8db7128ee4c1a80daf0fa5ab92762b535543e053c67791b&AffiliateConst=Yahoo>

⁹ I was professionally involved in a law office which practiced the legalization process of undocumented residents who were seeking legal residency from 1982-1986.

was reactivated in federal district court on June 3, 1975. The interveners called for supplemental relief by arguing that Mexican American students in the Texas public schools were being denied equal educational opportunity as required by law. The suit called for the TEA to implement a plan that would provide all LEP students with bilingual instruction and compensatory programs to overcome deficiencies caused by the unavailability of bilingual instruction in the past (San Miguel, 1987).

It was not until 1981 that an opinion was issued by Judge Justice declaring that the state bilingual education plan was “wholly inadequate.” He ordered a comprehensive plan of relief to include evaluation of students and monitoring of districts for compliance (*United States v. Texas* No. 5281, 1981).

The victorious decision handed down in *United States v. Texas* provided energizing motivation for bilingual education supporters and encouragement to Senator Truán, MALC, TABE, and a Task Force on Bilingual Education to rally and propose legislation to extend bilingual education from Kindergarten through the 12th grade. The Bilingual Educational Law or Senate Bill 477, after almost having faced death in hearings and political maneuvers, was passed in 1981 (San Miguel, 1987).

This comprehensive bilingual education law created expanded state bilingual education and English as a second language (ESL) programs for LEP students in pre-kindergarten through 12th grades, mandating bilingual education in kindergarten through 6th grade and ESL at the secondary level. Additionally, the law implemented the Language Proficiency Assessment Committee (LPAC), monitoring of districts at

least once every three years, and appropriations in the amount of 18 million with \$12.50 per student in ESL and \$50 per LEP student (TAC Chapter 89).

Furthermore, in 1981 in *Castañeda v. Pickard*, the declaration of a three-part test was issued. Its purpose was to determine whether a school district could take appropriate actions to overcome language barriers that confronted language-minority students. It was designed to ensure that local officials were meeting their obligations and that programs were based on sound educational theory, supported by adequate resources including trained personnel.

This “test” consists of criteria which are designed to evaluate the adequacy of a school’s bilingual education program. The three criteria are:

1. The program must be based on a “sound educational theory.”
2. It must be “implemented effectively” with adequate resources and personnel, which includes hiring and training of staff, if necessary.
3. After a trial period, the program must be evaluated as effective in overcoming language handicaps.

If the criteria are not met, the program must be restructured or otherwise brought into conformity with the requirements (IDRA. 2006).

In Texas, *Castañeda v. Pickard* is considered the most significant court decision affecting language minority students. It is validated by theory as sound practice in the implementation of instructional praxis, resources, and personnel. The entire program is seen as essential to transfer theory to reality (IDRA, 2006). It is viewed as the standard to judge the degree of compliance with the Equal Opportunity

Act of 1974 and has become a cornerstone of civil rights enforcement over the past two decades (IDRA, 2002).

The decision was handed down by the 5th Circuit Court of Appeals which, aside from Texas, covers the states of Louisiana and Mississippi, but the “test” and its implications have been applied in other states as well, including Colorado and Illinois (Kerper, 2005). At the present time, this test continues to be considered the hallmark legislation by the Texas Coalition for Bilingual Education in the implementation of bilingual education programs. (for position paper for TCBE, see Appendix A)

In 1982, *Plyler v. Doe* was brought as a class action suit on behalf of Mexican illegal aliens against the state of Texas, the TEA, and various Texas school districts, including Smith County. In its findings, the Supreme Court struck down a Texas law withholding from local school districts any state funds for the education of children who were not legally admitted into the United States (Sutherland, 2003). At the same time, the Immigration Reform and Control Act of 1986 (IRCA) was being considered which granted legal amnesty to millions of illegal immigrants whose children benefited from *Plyler* by gaining admission into the Texas public schools.

It might have been hoped that many of the reforms implemented in Texas over the past several decades in the areas of bilingual education and school finance equity could contribute to significantly closing the educational performance gap among different groups of students; and in fact, small gains have been reported.

There are signs, however, that at present, this trend is reversing with increases in the Latino dropout rate, the significant barriers presented by high-stakes,

standardized testing, and as recent MALDEF court battles reveal, a waning commitment to bilingual education by the state of Texas and many of its school districts.

The Researcher Steps Into the Void

Having chosen to research the Texas history of bilingual education legislation as one of my assignments during a graduate course in Latino educational policy, I discovered an information void after the legislation enacted in 1981. The two books that I had read about bilingual education in Texas, San Miguel's "Let All of Them Take Heed": Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981 and Blanton's The Strange Career of Bilingual Education in Texas, 1836-1981 covered history only to that year. I became very concerned that only three major bills (HB 2144-1991; SB 1510-203; HB 2286-2003) had been successfully enacted in the last twenty-five years (Texas Education Policy, 2003). This lack of legislation is particularly troubling because this very time period is marked by unprecedented growth of Latino students in the public schools.

This discovery was one of the factors that propelled me to research the legislative period from 1981 to the present as the research focus of my dissertation. The so-called "Decade of the Hispanics" of the 1980's was a dark period for bilingual education. The Republican Party was in control and William Bennett was United States Secretary of Education. The push for English-Only began all over again.

There were, however, a couple of policy changes worth mentioning. In 1991 during the 72nd Texas Legislature, Senator Barrientos from the Austin area, successfully passed House Bill 2144 which mandated summer school bilingual education programs for four-year old LEPs (Texas Legislature Online). In 1999 Representative Domingo García attached an amendment to Senate Bill 103 that limited LEP exemptions from testing (Texas Legislature Online). This bill, however, created an enormous controversy that resulted in later legislation, supported by the civil rights community that over-turned it (Valenzuela and Maxcy, in press).

The New Millennium: A Growing Challenge in English Language Learning

The new millennium has brought new developments in research, legislative activity, and political developments in a context of growing concerns with regards to Latino student enrollment and performance. A major, three-year study was commissioned by the TEA and published in 2000. This study, The Texas Successful Schools Study: Quality Education for Limited English Proficient Students, was authored by Oscar M. Cárdenas and Stan Seidner. It provided supportive evidence from data gathered from seven predominately minority and ELLs elementary campuses selected as successful schools. This study reported that bilingual education which followed the Castañeda standard could reverse harmful academic trends (Cárdenas, 2001).

The Latino enrollment in Texas public schools continues to present important and multiple challenges not only to TEA, but also to the State Board of Education, the

Texas Legislature, local school boards, administrators, teachers, and the community-at-large. TABE, through the financial efforts of the Effective Network for the Advancement of Bilingual Education (ENABLE) hired lobbyist Jesse Romero for the first time in its history to lobby not only during the legislative sessions. He also sought more proponents of bilingual education in order to combat the hostility (lack of support) towards bilingual education at the Texas Legislature during the last regular and special sessions (2005, 2006).¹⁰

In the 2001 77th Texas legislative session, Senator Judith Zaffarini from Laredo introduced a bill, namely, HB 2144, for dual language immersion programs to be implemented in certain schools and requested a review of the existing rules of the School Board of Education. The bill failed but she successfully submitted Senate Concurrent Resolution 50 (SCR 50), encouraging school districts to develop and implement dual language bilingual programs. She had also introduced previously introduced Senate Bill 1510 related to the monitoring compliance of public school bilingual education and special language programs; it lengthens the allowed time between monitoring evaluations from three year to five.¹¹

¹⁰ The Effective Network for the Advancement of Bilingual Education was started in North Dallas and continues to become stronger as they advocate for bilingual education and dual language. According to Viviana Hall, Jesse Romero's lobbying efforts were funded from a donation by Stephen Krashen, a professor of linguistics in the College of Education at California State University. For more information on ENABLE's purpose, philosophy, and activism, see the website: <http://www.myspace.com/enableus>

¹¹ To review the engrossed bill version and fiscal notes, refer to: <http://www.capitol.state.tx.us/Search/TextSearchResults.aspx?CP=1&LegSess=78R&House=true&Senate=true&TypeB=true&TypeR=false&TypeJR=true&TypeCR=false&VerInt=true&VerHCR=true&VerEng=true&VerSCR=true&VerEnr=true&DocTypeB=true&DocTypeFN=true&DocTypeBA=true&DocTypeAM=true&Srch=custom&Custom=sb1510&All=&Any=&Exact=&Exclude=>

During this same session State Representative Rick Noriega from Houston passed the ground-breaking House Bill 1403 which speaks to the eligibility of undocumented immigrants to qualify as residents of Texas for purposes of higher education or to pay tuition at the rate provided to residents of Texas (Texas Legislature Online, 77th Leg.). This legislation provided access to higher education for many students—many of whom had previously been enrolled in bilingual education programs, but had not had an opportunity to fulfill their dream of going to college due to unreachable tuition rates.

In the Second Called Session of the 78th Texas Legislature (2003), Representative Roberto Alonzo from Dallas introduced House Resolution 104 directing the Texas Higher Education Coordinating Board (THECB) to use funds designated in the General Appropriations Act to promote and increase the number of bilingual education and ESL certified teachers (Texas Legislature Online). Alonzo was able to spearhead funding for tuition assistance through House Bill 1 which was to be distributed during the 2004-2005 Biennium. This program, known as the “Roberto Alonzo Bilingual and ESL Education School Program,” offered \$300,000 for junior and senior students at the University of North Texas (UNT) Dallas campus. Tuition assistance and loan forgiveness was offered to 25 students who earned bilingual or ESL education certification in early childhood to fourth-grade instruction (University of Texas News Service, 2004).

A collective and concerted interest for a change in language and school finance policies blossomed into very distinct coalitions. As discussed in the next

section, several over-lapping coalitions formed to rally for a change of course for their fast-growing population in Texas.

In his most recent book, *Contested Policy: The Rise and Fall of Federal Bilingual Education in the United States 1960-2001* (2004), Guadalupe San Miguel assesses the causes for state and federal changes that occurred in bilingual education. San Miguel's evaluation of the forces included litigation, legislation, and a changing political context. The activism on the part of several contending groups with competing ideologies of ethnicity, assimilation, and pedagogy are very similar to present-day power struggles across the Texas policy and political landscape.

An Unprecedented Statewide Bilingual Education Coalition: A Case Study

The manifestation of an unprecedented statewide bilingual education coalition that calls itself the Texas Coalition for Bilingual Education (TCBE) set the stage for Latino leadership action that drew my attention and guided the development of data collection and analysis. This is a case study of a vibrant coalition that seeks to interpret, assess, and imply connections among individuals and their representation of distinctive organizations and events. Accordingly, I chose to interview and observe Latino leadership in action. I use the present tense because the coalition is at this moment positioned to respond collectively to oppose harmful legislation that threatens the demise of bilingual education. Nevertheless, I capture the work of the coalition from 2004 to the present.

This case study is a unique academic inquiry into a coalition that was formed to deal with “the most important civil rights issue of our time (García, 2007). The coalition itself is made up of a remarkable group of organizations and individuals whose tenacity and devotion to their communities makes them long-overdue for academic appreciation and appraisal. Their recognition of bilingual education as a necessary lifeline for many of today’s struggling students makes them the intellectual life-guards of the Latino community.

Furthermore, their presence throughout a decades-long struggle for equitable and adequate educational opportunities, among other civil rights issues, makes their collective experience an unequalled source of information and inside analysis of the emerging political power of the Latino community and some of the formidable obstacles which include equitable funding and accountability.

Merriam (1988) defines a qualitative case study as “an intensive, holistic description and analysis of a single instance, phenomenon, or social unit.” Another purpose for this type of study is that it “becomes an end-product of field-oriented research” rather than a plan or process (Wolcott, 1992). Erickson (1986) claims that the art of interpretation of case studies is one of the most distinctive aspects of a qualitative inquiry. Not only are the researcher’s interpretations important, but also those of the people being studied. In contrast to positivist approaches, qualitative researchers do not confine interpretations to the boundaries established by identified variables and instruments created prior to either data gathering or analysis (Stake, 1995).

The Texas Coalition for Bilingual Education

As stated at the beginning of this chapter, the creation of an unprecedented statewide coalition set the stage for Latino leadership action in early 2004 after the conclusion of the Texas 78th Legislature (2003) when only one bill that dealt with bilingual education was introduced before the legislature (Texas Legislature Online). The TCBE created three principles that were crucial and critical to the equitable funding of bilingual education: (1) Funding: increase weights, eliminate block funding, and provide fair administrative costs; (2) Monitoring and compliance: adhere to the mandates of U.S. v. Texas No. 5281 (1981), employ qualified evaluators, limit bilingual exceptions, create an associate commissioner for bilingual/ESL education and provide ample resources; and (3) Teaching quality, teacher recruitment, preparation and retention: implement a statewide campaign to accomplish goals, provide funding to higher education for teacher preparation and certification, increase salaries, and support SBOE and SBEC for improvement of bilingual/ESL teachers.(for TCBE's position paper, see Appendix A)

Coalitions: El Pegamento Más Fuerte (Strongest Glue)

Tejanos were involved as leaders since the era of the bilingual tradition when they focused on the strength and value of their heritage and preferences to make language choices (Blanton, 2004; Crimm & Massey, 2003; De León, 1982; De la Garza, 1985). As Tejanos became traditionally recognized as “Mexican Americans,” they continued to head the struggle to preserve bilingual education during the

English-only Education Era. Meanwhile they gradually became institutionalized during the Americanization period (García, 1981, 2002; Griswold Del Castillo & De León, 1996). Finally, in the third phase and current period, Latino leaders have emerged as scholars, educators, community activists, and organizers in resistance to the racial and linguistic segregation that has characterized transitional English language learning during in the modern bilingual education era. Such leadership, via coalitions, impacted governmental policy pertaining to bilingual education. This review underscores the significant role that Latino leadership has played, particularly in terms of strategy and coalition building, and positions that they assume in order to strengthen and preserve bilingual education.

Unique and Common Characteristics of Coalitions

Each coalition is unique. Coalitions reflect the social mix of a community. A coalition is an organization of individuals representing diverse organizations, factions, or constituencies who agree to work together in order to achieve a common goal (Hayes-Bautista, 2004). The Texas Department of Health Coalition Task Force (1994) states the following characteristics of coalitions that have been identified by literature:

1. Coalitions are issue-oriented, structured, and focused on specific goals that are common to, and shared by, coalition members, and should be committed to recruit other organizations with diverse talents and resources;

2. Coalitions are “action sets,” or aggregates of interested groups and individuals with a common purpose whose connected actions are directed at achieving the coalitions’ goals;
3. Coalitions are important because they can: enable organizations to become involved in new and broader issues without the burden of sole responsibility;
4. Coalitions demonstrate and develop widespread public support by maximizing the power of individuals and groups through joint action;
5. Coalitions minimize duplication of efforts and services and help mobilize more talents, resources, and approaches to influence an issue;
6. Coalitions provide an avenue for recruiting participants from diverse constituencies by exploiting new resources in changing situations.

Coalitions are organizations or groups of individuals who come together to collaborate on either a common goal or set of goals. They are accountable and have feedback loops to their organizations of origin (Roberts, 2004). In political coalitions, there are three components: (1) an application of power; (2) a combination of conflict and coordination; and (3) collective activity (Hinckley, 1981). Coalitions are characterized by organizational actors cooperatively pursuing shared political goals (Hula, 1999). They are crafted in many different forms.

The formation of coalitions within communities has proven to be an effective strategy whenever the potential for racial and ethnic antagonisms exist (Vélez-Ibañez & Sampaio, 2002). This certainly the case in the present-day struggle over bilingual

education, as it is squarely situated in the socio-political whirlwind that surrounds immigration policy and language rights. A review of Granovetter (1973;1983) the “Strength of Weak Ties” and the companion theory the “Strength of Strong Ties” (Katz, et al., 2004) provide useful perspectives on the coalescing activities of the TCBE organizational members as well as those organizations that serve to support them with complementary skill sets and activities.

The TCBE was distinguishable from any other coalition because it was composed of a membership whose sole interest was in changing policies pertaining to bilingual education and bilingual education teachers. The TCBE was a vehicle whereby an organized interest within an issue network was able to develop and articulate mutual policy preferences.

Another education policy issue has been sufficiently critical to galvanize individuals and organizations in Texas to form coalitions to either promote or defeat it; it is the question of the use of state-funded vouchers in the public schools. The statewide Coalition for Public Schools and the San Antonio-based Coalition Equity and Excellence in Public Education (Valenzuela, 2005) addressed this issue. Although participants and the potentially affected communities are heavily Latino, coalition members are multi-ethnic.

Stone (1989) maintains that “change is often treated as the transition between periods of stability.” He further affirms that there are periods of dominance by a given coalition, followed by its eventual breakdown and the emergence of a new alignment. In his cyclical view of coalition politics, once a workable political

arrangement proves itself, it can maintain support and even draw new allies into its orbit.

Mexican unity and resistance across their various divides are keys to achieving gains from the various forms of struggle for social justice. Minority leaders reflect, to some extent, the diversity of their communities as they are both male and female, and are members of different generations, and represent a variety of levels of educational and professional achievement. Their own memories and experiences with racism, stigma, and exclusion, together with social, cultural, and linguistic skills that they collectively command serve them well in terms of coalition-building efforts.

A necessary condition for achieving equity is the continuing development of single-membership advocacy and confrontational groups, as well as strong “operational unity” coalitions, which can be vehicles for the national community on specific issues (Quiñones, 1990). To be sure, the formation of political coalitions depends on a variety of complex and conflicting factors and interests that can ironically potentially destroy the best efforts of coalitional forces. Power struggles between men and women, older and newer generations, divergences in opinions on principles or tactical strategies can thwart even the best efforts.

Within a coalition, it is necessary to find a common agenda by “agreeing to disagree.” In agreeing to disagree, the members must use data analysis as a means for finding common ground. Using data pedagogically by introducing data on a topic and ensuring the understanding of information jointly creates a data map towards the formation of an agenda. Finding a common agenda is also an exercise in adult

education because it requires respecting the autonomy and expertise of the “learner,” and providing the opportunities for them to recreate new knowledge, attitudes and skills (Hayes-Bautista, 2004).

A coalition is not an official organization with by-laws, administrative structure, or incorporation. It is an open-ended, ad hoc group of widely divergent opinions and goals. It is a fluid line with constant, one word negotiation (Hayes-Bautista, 2004).

Ongoing questions mean better answers. Effective team and peer learning are necessary for successful organization building. Capacity building accommodates different learning styles, and organizations have their own history and culture. However all are interrelated (Hula, 1999).

F. Chris García (1998) writes about future of Latinos in American politics and observes that there needs to be a “new Latino politics of coalitions and alliances” as well as the development of more effective methods for achieving influence over domestic policies. For example, the issue of bilingual education might have to be reframed to that of “transitional pedagogy” if it is to remain a viable educational policy option (García, De La Garza, & Abeyta, 1991, 1997, 1998). A maneuvering of politics in the right direction is always important to the mobilization of a coalition.

Chávez (2004) looks at the intersection of coalitional politics and identity, suggesting how minority or Latino politics may be distinguished from that of majority politics due to issues of identity formation. In particular, what informs their politics is their unique historical, political, and economic circumstances that include struggling

for equality and enduring institutionalized racism and discrimination by Anglo-American social and political institutions. Deconstructing the dominant American analytical framework and exposing what are considered to be false notions of objectivity reside at the core of critiques of positivism (Menchaca, 2001; Merchant, 2001; Willis, 2001; Kerper, 2004).

Flores (1981) maintains that Latino leaders are affected by the same dynamics as almost all other leaders. There are several internal-external factors that affect the leadership process. Pressure groups, established institutions, economics including available funding sources, local, state, and national politics and control, comprise a few of the many influences. Similar to leaders in other groups, Latino leaders must become experts in the art of leadership.

One step includes dispelling the destructive and immobilizing myth that Latinos do not look to other Latinos for leadership as conveyed in the following summary statement by Burman (1970):

One version of Mexican American political behavior is that the Mexican Americans) are politically fragmented and, despite frequent and elegant talk of devotion to La Raza, rarely are able to unite in large numbers behind a leader, a political candidate or organization.

The inspirational and sophisticated account captured in this study thus constitutes an important step toward debunking harmful myths while illuminating the complex mix of skills, talents, and strategies that our present leadership artfully reveals.

This review has lauded the victories and recognized the defeats of bilingual education policy. It has also illuminated the empty academic space that should have

been filled with accurate culturally sensitive research. The use of a wide variety of materials and sources is our only hope of preserving the past and documenting the present for future researchers in bilingual education policy in Texas.

CHAPTER 3

DESIGN AND METHODS

Goals

I seek to illuminate and analyze the sociopolitical, contextual factors that have resulted in a reduced commitment to bilingual education programs in Texas over the last twenty five years. In order to accomplish this task, I include the historical social realities of segregation and hegemony that have impacted Texas Latinos. Not only is this information vital to this study, but its inclusion also contributes to the body of research that acknowledges the enormous toll that discriminatory perspectives have taken on millions of Latinos who languish in inferior educational environments (DeLeón, 1983, Montejano, 1999, Valenzuela, 1999, Valencia, 1991, & Quiñones, 1990).

My second dissertation focus is an examination and analysis of the Texas Coalition for Bilingual Education, popularly known by its acronym, TCBE, as an example of Latino leadership coalition building. I situate this phenomenon against its historical landscape, textured by diverse issues including immigration history, policy and distribution of wealth, particularly in the arena of public school financing. This study of coalition building and political and policy struggles in the area of bilingual education is guided by the following questions: First, within the Texas public school system, what are the sociopolitical contextual factors that have impacted bilingual

education policy, legislation, funding, and implementation, with particular focus on the immigrant English Language Learner (ELL) population?

Second, as a case study in coalition building, what roles, strategies and coalescing partnerships within the Texas Coalition for Bilingual Education (TCBE) have been effective in promoting and defending bilingual education policy, legislation, funding and implementation, including monitoring, in the face of substantiated civil rights violations, growing anti-immigration sentiment, and a politicized legislative atmosphere?

To this end, I interviewed sixteen Latino leaders in order to analyze their individual and interlocking contributions to the work of the coalition and their struggle for just policy.

Both of these major dissertation themes require a contextual framework that includes Texas history with respect to native language, language education policy implementation, and national education mandates that are infused with partisan policies and social agendas and have resulted in a reduced commitment to bilingual education programs while at the same time structured English immersion programs are expanding.

San Miguel (1987), Vega (1983) and Blanton (2004) completed their scholarly works on bilingual education policy in Texas which ended in 1981. The time period from 1981 through the present with respect to scholarly investigation of this topic has been virtually ignored. An over-arching goal of this dissertation is to begin to close that information gap.

Theoretical and Analytic Frameworks

When I discovered that there had been a period of total inaction on bilingual education legislation and policy from 1981 to the present, I became very concerned. The gap, its causes and steps that were being taken to remedy it, were worthy topics of rigorous research and analysis although very little scholarship has been devoted to it. The circular dilemma of the difficulty, if not impossibility, of doing research on a subject that has not been adequately preserved in conventional historical documents, archives and oral histories was not as daunting to me as it may have been for other researchers. My doctoral education has given me the tools to critically examine my own experience and that of my peers who grew up in Texas. Furthermore, my acquaintance with not only the issues but also many of the individuals who comprise the Latino leadership in Texas made this familiar, if not well-charted, territory.

Constructivism

My affinity for constructivism, then, is not difficult to understand since constructivists commonly assert that the way a researcher acquires and perceives knowledge provides the basis for that researcher's construction of his own knowledge (Crotty, 1998). In the constructivist paradigm, the knowledge construction process provides the researcher with opportunities for multiple perspectives. The issue of self-awareness in the knowledge construction is encouraged in order to receive the various representations of reality (Vygotsky, 1975). My epistemological approach has a foundation, scope, and validity that is very similar to that of many Latino subjects that

I interviewed. I fully acknowledge that for many of us, our initial educational exposure was in segregated schools. At that time, we knew very little or no English.

Qualitative inquirers also argue that human behavior is always bound to the context in which it occurs (Auerbach & Silverman, 2003). The behavior of legislators, educators, and other actors within an institutional setting thusly cannot be reduced to simple variables. It is an intensely personal kind of research, one that freely acknowledges and admits “the subjective perception and biases of both participants and researcher into the research frame” (LeCompte, 1993).

According to Guba and Lincoln (1994), the construction of knowledge within a constructivist approach is in grounded theory because it reaffirms studying people in their natural settings and redirects qualitative research away from positivism. Glaser (1995) claims that an existing concept must earn its way into the analysis since the relevance of grounded theory derives from its offering analytic explanations of actual problems.

Grounded Theory

Glaser (1994) verifies that the grounded theory method stresses discovery and theory development rather than logical deductive reasoning which relies on prior theoretical frameworks from which hypotheses are derived. Grounded theory has four distinct strategies in its methodology to construct theory (Glaser & Strauss, 1967):

1. The data collection and analysis proceed simultaneously so that it can be significant and relevant to the development of analytic interpretations and discoveries. The ideas that emerge collect more data strengthen both the quality of the data and the ideas developed from it.

2. Both the processes and the research are profiled from the data rather than from preconceived logically deduced theoretical frameworks. Grounded theorists rely heavily on studying their data and do not rely directly on the literature to share their ideas. They believe that they should develop their ideas independently.
3. Grounded theorists do not follow the traditional quantitative canons of verification. They check their developing ideas with further specific observations and make systematic comparisons.
4. Grounded theorists are pragmatic and they aim to develop new theoretical interpretations of the data rather than explicitly aiming for any final or complete interpretation of it.

Further, grounded theorists share their convictions that the usual canons of “good science” should be retained, but require redefinition in order to fit the realities of qualitative research and the complexities of social phenomena that I seek to understand (Strauss & Corbin, 1990). One of the realities of this qualitative study will be the understanding of the sociopolitical contextual factors that have resulted in a reduced commitment of bilingual education programs and the transition to structured English immersion programs.

Interpretive/Constructivist Inquiry

Mertens (1999) deems that reality is socially constructed. Consistent with this view, I believe that socially constructed phenomena have different meanings to different groups. As a researcher conducting this inquiry, I reject the notion of a universal objective reality. Therefore, my aim was to understand the multiple social constructions of meaning and knowledge. An understanding of underlying assumptions is a key element in qualitative research and of utmost importance (Crotty, 1998). In an approach to a systematic investigation such as the one that I

engaged in, the epistemological and ontological assumptions are embodied and embedded in what the community takes to be paradigmatic inquiry (Patton, 1990).

Hermeneutics involves the study of the methodological principles of interpretation and the phenomena that transcend depend upon the concepts of historical consciousness, interpretation, community, and language (Pinar, et al., 2000). Interpretive research is hermeneutic in character. Hermeneutics, in its interpretive nature, is the reading and the interpretation of messages and texts (Denzin & Lincoln, 2000).

An interpretive point of view was ultimately essential in order for me to most productively analyze research data (Denzin & Lincoln, 2000). This interpretive framework consists of an epistemology, ontology and methodology that will guide my research. Further, this query needs to have flexibility in its design because in the qualitative nature of the study, the researcher encounters modifications and changes of the initial plan during data collection (Marshall & Rossman, 1995).

In light of the two major areas of inquiry in this study, the two criteria proposed by (Denzin & Lincoln, 2000) for successful qualitative research strategy, are that it demonstrates informational adequacy and that the criteria of efficiency are relevant. The selection of data, the lenses through which they are to be viewed, analyzed and interpreted, and the combination of historical, and contemporary sources, as well as interview subjects who, for the most part reflect both, have greatly helped this dissertation become a unified whole.

Data Selection and Methodological Procedures

Policy Brought to Life

In keeping with the practice of interpretive research, sources were studied in their natural context. My own history, as well as information from interview subjects and other veterans of the public education system in Texas over the last six decades, allowed me to construct contexts for historical sources, events and attitudes that were not usually studied in such a palpable way. For example, the No Spanish Law of 1918 was unknown to parents of children, myself included, who were recipients of this mandate. Many immigrant parents held the opinion that there was nothing wrong with speaking Spanish and maintaining fluency while learning English.

This law's impact nevertheless reverberated through the experience of students, educators, and community members. My presence in these times enabled me to bear witness to the degree to which the law impacted children's education. I also experienced the underlying attitudes imbedded in the manner in which the law was enforced. There is, therefore, living context for this legal document. Likewise, the soundtrack to the struggles over bilingual education policy in Texas is full of voices, some raised in articulate argument; some silenced by mandated exclusionary policies. Policies that have provoked so many tears of frustration, confusion and pain and which resulted in abandoned educational dreams, could never be called "dry."

Primary and Secondary Sources and Their Selection

According to Denzin and Lincoln (2000), “qualitative design is holistic because it looks at the whole picture, the larger picture, and begins with a search for understanding of the whole.” Qualitative research is not constructed to prove something or to control people by looking at relationships within systems or cultures. This study employed many forms of data collection.

Primary sources essential to this study include historical and legal documents, archives of early Tejano leaders, photographs of the first Texas study of Spanish-speaking students in the public schools, newspaper articles, and live web casts of public hearings in bilingual education issues, community meetings, conferences, and documentaries. It seems appropriate that modern technology has been a tremendous research assistant in its capacity for data retrieval and quick searches, while at the same time, a great deal of the information germane to this study is still not at the other end of an “easy access” button either because its importance is still not widely recognized or it is simply not available without research sleuthing. The validity and significance of materials cannot be determined by their accessibility, and historically, lack of access or hidden histories has kept information out of public sight. A general shift towards more inclusive academic scholarship would pave the way for future researchers and the general public to find information more readily accessible.

I have researched landmark events, such as the formation of the *escuelitas* and the early coalitions (*sociedades mutualistas*) that came about under the influence of

the political activity of the Tejano leadership in the earlier history (DeLeón, 1982; Tijerina, 1994; Poyo, 1996; Zamora, 2000; Hinojosa, 1993; García, 1981; & Crimm, 1994).

For the analyses of major legal cases that dealt with language policy and educational equity, I reviewed primary legal documents archived at the Texas Law Library at Austin. I developed an interview format that would elicit legal information relevant to this study. I also consulted with practicing civil rights lawyers to clarify the finer points of the law and legal procedure.

I observed numerous legislative sessions and listened to archived broadcasts of the Texas House of Representatives and the Texas Senate during the 78th and 79th Legislatures as well as the special sessions that were called to deal with public school finance. I observed numerous community meetings held by organizations whose members were my interview subjects. I reviewed relevant literature and other personal archived material in specialized library collections.

Interviews: Selection of Subjects and Rationale

This study includes in-depth interviews of the members of the Texas Coalition for Bilingual Education. Information about their coalition participation, their depth and breadth of experience informed the historical inquiry into bilingual education policy in Texas. I viewed my interview subjects from the following perspectives: personal and cultural aspects of in their roles as actors, advisors and community members, expertise in specific realms of theory and experience with respect to

bilingual education policy, present involvement, organizational connections and interdependence as reflected in participation in collaborative efforts (Patton, 1978; Kleinman & Copp, 1993).

Subjects were selected because of their membership and participation in the TCBE. While sharing immense theoretical and practical knowledge in the area of bilingual education, this group is highly diverse. They are Latino leaders in the following arenas: the Texas Legislature where Latinos seek equity and opportunity for their constituencies through traditional legislative means, institutions of higher education where university professors engage in the development of curriculum, teacher training, and certification of bilingual education teachers, grassroots organizations where community activists who are knowledgeable about bilingual education share this information with their constituents and keep in direct touch with the needs of the community, and members of other coalitions selected for their complimentary goals for the improvement of public school education for Latinos.

Another group is composed of representatives from premier established, non-profit Latino organizations who contribute their first-hand knowledge of working on bilingual education policy in Texas. They are able to articulate the nature of the opposition they have faced and discuss the strategies employed to combat that opposition. Interviewees had depth and breadth of knowledge in the inquiry area because of their unique and prestigious experiences.

These interviews were conducted face-to-face and recorded onto tape cassettes by means of a tape recorder which was in sight at all times. The tapes were

transcribed, in many cases word-for-word, in order to capture the distinct speech patterns and flavor of each interviewee.

The transcribed versions of the interviews were not sent to the subjects for review, because of the public nature of the subject matter.

Interview Format

In qualitative research, interviews are very widely used (Hopf, 2002). Within the realm of the interpretative/constructivist paradigm, the researcher is the instrument for data collection. The researcher decides which questions to ask and what order, what to observe, and what to write down (Mertens, 1998). In this study, I conducted in-depth interviews with a semi-structured interview guide. (See Appendix B) Because of my a priori assumptions, I wanted to create an interview format in which the respondents' perspective would be able to unfold at their own pace rather than at a preconceived rate or paradigm.

I enhanced the data gained through the question and response of the interviews through observation of personal interaction, a grounded theory approach to question framing, and probing for elaboration (Marshall & Rossman, 1995). In general, interviewees were asked to reflect on the changing course of bilingual education policy in Texas. Sub-topics included Latino leadership, a vision for securing educational equity for English Language Learners, the "Closing the Gap" success, the Texas Challenge (state demographer, Steve Murdock's predictions), the repercussion of NCLB legislation for bilingual education and English-Only, a design for public school finance in Texas, and a commitment of continuing to advocate as

policy makers for bilingual education programs. Interviewees had profound knowledge in these areas of inquiry because of their unique experiences and prestigious positions.

Each subject was presented with the following sample written questions:

1. What is your analysis of the sociopolitical roles that the Texas Latino leadership, both policy makers and advocates, need to undertake in order to promote a commitment of bilingual education programs in the public schools?
2. What have been the benefits of using a coalition (TCBE) as a tool to gather support for being influential during the regular and special legislative sessions?

Individuals were asked about their involvement with their respective organizations and strategies they employed to bring about productive results. Some questions aimed at eliciting “nuts and bolts” information about specific efforts made to reform public school finance and protect and promote native language instruction. For example, Ana Alicia Romero, legislative liaison at IDRA was asked, “As a policy maker, do you have an alternative design for a constitutional funding mechanism for legislatively solving public school finance?”

Follow up questions emerged naturally from the responses to the initial inquiries. My preparation for the interviews included research on the organizations themselves, the individuals, and current developments in the issues under consideration.

Interviews

Initially, I approached my interview subjects with an informal request by telephone or email that they allow me to interview them as part of my dissertation research. I was personally acquainted with most of them through our common affiliation with Latino organizations, including LULAC and TABE. Fortunately, everyone who was invited accepted the invitation.

I sent each subject a copy of my treatise proposal several weeks before the interview as well as four to five questions that would serve as the preliminary interview foundation. It was evident from my subject matter that my dissertation aimed to fill the gap in research about bilingual education policy in Texas, a subject which was an inherent part of the life's work of each individual.

The interview length was guided by subjects' responses to open-ended questions pertaining to the inquiry area. No time limit was stated or imposed with regard to the interview session. Interviews took place in work settings, except for Joe Bernal, Noé Angel González and Oscar Cárdenas, who, at their request, were interviewed in their homes.

All of my subjects are busy, committed individuals and even those who are "retired" continue to contribute their time and expertise to their community. I believe that one of the reasons that I had a 100% success rate in my request for interviews was that I made it clear that this was a one-time event. The public information of the data I sought enables me to gain further knowledge about these individuals without

disturbing them. I am sure, nevertheless, that if follow-up questions were necessary, they would oblige.

Choice of Language

As a bilingual interviewer, I welcomed responses in English, Spanish, or any combination thereof. Many of the interviewees used both languages during the course of the interview. Our common linguistic and cultural heritage facilitated open and candid communication which evoked unique contributions to the subject matter.

Validity

The researcher's responsibility to ensure that qualitative research respects the issue of validity is a challenging one. It is not as if a scientific instrument or examination is administered and statistically analyzed, yet, neither can validity be dismissed with the pretext that instruments of qualitative research can not be critically evaluated. One notion of validity that is meaningful for this dissertation, although often applied to comparative instruments, is that of content validity (Mertens, 1998) .

She states:

To establish content validity you need to review the items or tasks in the measurement instrument to determine the degree to which they represent the sample of the behavior domain of interest in the research study.

Although my interviews moved from fixed questions to questions generated by initial responses, I did validate my choices of initial questions with several colleagues in the field of bilingual education and bilingual education policy, both

PhD's and PhD candidates. I also consulted with the current chief of staff of a prominent Texas legislator. Lastly, I consulted with my primary peer-debriefer.

My dissertation is coming of age during a time when the term “validity” itself has been under intense scrutiny. Guba and Lincoln (1994).suggest that alternate terms “such as credibility, transferability, dependability and conformability replace the usual positivist criteria of internal and external validity, reliability and objectivity.” There are also scholarly suggestions for new “commitments” that qualitative research should make (Creswell, 1998). They include emergent relations with respondents, to a set of stances,” and that which I believe this dissertation will meet and hopefully inspire, “to a vision of research that enables and promotes justice.”

Credibility

Multiple strategies are essential in order to establish credibility in a critical analysis of qualitative research (Patton, 1990). The real test in credibility is to make certain that there is a correlation in the manner that the respondents in an inquiry distinguish the social constructs and the way the researcher depicts their beliefs. There are various approaches that can be used to improve the credibility of a research study.

I am well aware that the credibility of this study is especially dependent on my credibility as a researcher since I am the instrument of data collection and the center of the analytic process. As a researcher of this study, I have the obligation of being methodical in reporting sufficient details of the data collection and the process of

analysis to permit others to judge the quality of my work. The following are three distinct but related inquiry elements that qualitative research depends upon for credibility (Patton, 1990):

1. Rigorous techniques and methods for gathering high-quality data that is carefully analyzed, with attention to issues of credibility, reliability, and triangulation;
2. the credibility of the researcher, which is dependent on training, experience, track record, status, and presentation of self; and
3. philosophical belief in the phenomenological paradigm or a fundamental appreciation of the interpretive/constructivist inquiry, qualitative methods, inductive analysis, and holistic thinking.

Analysis of Data and Related Ethical Requirements

Integrity in Analysis and Testing Rival Explanations

There are certain patterns, linkages, and credible explanations that are gained through the process of inductive analysis (Patton, 1990). Looking for other ways of organizing the data will lead to different findings. Logically it means thinking about other conclusions and perspectives and then seeing if those points of view can be supported by the data.

The bilingual debate in Texas is very contentious as it is nationally. In fact, researchers and scholars draw diametrically opposed conclusions when they analyze what is alleged to be the same data (Porter, 1996; Krashen, 1996; Cummins, 1998, & Crawford, 1999). Similarly, it is just as imperative that I examine rival conclusions. Patton (1987) also suggests that the weight of evidence must be considered to look for the best fit between the data and the analysis.

Negative Case Analysis

“There are no guidelines specifying how and how long to search for negative cases or how to find alternative hypotheses given a specified body of qualitative data (Glaser & Strauss, 1967).” The researcher’s obligation is to make a diligent search. Then the researcher can report the basis for the conclusions reached.

Triangulation

Triangulation is one way the researcher achieves insight about a particular occurrence, issue, or problem. Triangulation is the act of bringing more than one source of data to bear on a single point (Marshall & Rossman, 1995). In this study, for example, I took field notes while I was present during the entire October-December 2006 trial that brought about alleged non-compliance of monitoring of bilingual education programs. I interviewed the lead attorney in the case who is one of my research subjects.

In terms of the whole dissertation, my methods for a triangulated perspective include the research interviews, the examination of Latino bilingual education legislative history, as well as an examination of landmark cases.

Peer Debriefing

According to Lincoln and Guba (1985), peer debriefing is defined as an ongoing process in which the researcher meets with an impartial peer in an approach equivalent to an analytic session and for the purpose of discovering aspects of the

inquiry that might otherwise remain only “couched within the researcher’s mind.” I engaged in extended discussion with a colleague throughout the course of the study. We discussed methodology, data, subject selection, and the theoretical frameworks. My peer debriefer for legal sources, including court cases, was a family member, Marisol Pérez, a staff attorney with MALDEF and is an expert on immigrant educational and language rights. She was the lead attorney for MALDEF when, along with the ACLU, a request for a temporary order was filed in Farmers Branch, Texas. This order was to block implementation of an anti-immigrant ordinance scheduled to go into effect January 12, 2007.¹²

Progressive Subjectivity

As the researcher in this study, I had to examine my own on-going constructions of the findings about the history of bilingual education policy, of the litigation that has occurred and of the lack of legislative policy for the past twenty-five years (Mertens, 1998). Many times, I shared various deconstructed versions of history written by acclaimed Chicano scholars with my peer debriefer and other colleagues, including historians. Dissertation exchanges motivated me to continue my own challenging and sometimes daunting research.

¹² For more information on the press release and complaint on this matter, refer to: <http://www.maldef.org/>

Reciprocity

Wax (1971) emphasizes the importance of reciprocal relationships. The reciprocity model of gaining entry assumes that one can find some reason for participants to cooperate in the evaluation and that some kind of mutual exchange can indeed occur (Patton, 1987). My interview subjects welcomed the opportunity to participate in this research for two major reasons, both of which exemplify the notion of reciprocity. They know there is a real scarcity of information about Latino leadership organizations in Texas and their contribution to civic life and community progress. They also know that bilingual education policy is a topic worthy of scholarly investigation, particularly from within—that is, by a bilingual person who shares a common culture.

Ethics

The unobtrusive and limited personal nature of my study, as well as the public nature and visibility of the subjects and their work, highly diminishes the probability of an error in ethical judgment on the part of the researcher. For example, the need for infiltration (Punch, 1996) was totally unnecessary due to my rapport and mutuality with the interview subjects. Nevertheless, I am mindful of the high ethical standards that a researcher must maintain.

Transferability

Lincoln and Guba (1994) state that the burden of demonstrating the applicability of one set of findings to another context rests more with the researcher who would make that transfer than with the original researcher. The researcher has to make a judgment about the relevancy of both. Mertens (1998) also recommends that a qualitative study's transferability to other settings can be problematic for researchers who are studying and investigating policy. The decision to generalize for new research policy and transfer to other settings has to be determined in a careful manner that takes the uniqueness and demands of the new context into consideration. The researcher has to be able to link this research into a body of theory (Crotty, 1998).

Dependability

The concept of dependability is a construct in which the researcher endeavors to account for changing conditions in the phenomenon chosen for investigation, as well as changes in the design created by increasingly advanced comprehension of the setting (Marshall & Rossman, 1995).

Confirmability

As written previously about other comparisons in the identification of constructs, Guba and Lincoln (1994) qualify confirmability as the qualitative parallel to objectivity. Confirmability means that the data and their interpretation by the researcher are not fabrications of the imagination. The data should be traced to its

source and the logic that is used to interpret the data should be made clear. A confirmability audit or a “chain of evidence” can be done to attest to the fact that the data can be traced to its original sources (Yin ,2003).

Authenticity

Lincoln and Guba (1989) and Denzin and Lincoln (2000) posit criteria which help establish and judge the quality of an inquiry. They include fairness, ontological authenticity which enlarges personal constructions, educative authenticity, among others. There is a certain level in which the world formation of both the researcher and the respondents becomes more informed and sophisticated (Punch, 1986). I believe this research reflects these standards.

Analysis of Interview Data

Although the seventeen interview subjects of this dissertation represent a literally unquantifiable number of hours, paid and volunteer, devoted to the issue of bilingual education policy in Texas, the group does not represent a significant number of individuals who could be studied for statistical purposes or conventional statistical analyses.

The information I plan to gather will focus on the message texts within a historical and social context. This hermeneutical research seeks to discover what meaning people attribute activities (Mertens, 1998). “[Researchers] do a great deal of observation...do formal and informal interviewing and develop classifications and

descriptions that represent the various beliefs of the various groups”
(Eichelberger,1989).

A significant feature of the information I will collect in these interviews is that which fills in the information gaps previously mentioned, brought about by the scarcity of research within the Latino activist community. Derrida (2001) posits that discourse analysis, situated within deconstructive theory “is not to settle a debate but to correct bias and include other viewpoints.”

Under the umbrella of “how the coalition works”, I will look for themes related to patterns of association, significant individuals, categories of work, success and failure of individual and group efforts, as well as what characteristics of the coalition have proven most productive Kvale’s (1996) notions of “”meaning interpretation,” and “generating meaning though ad hoc means” provide some direction to my efforts.

I am also looking for the unspoken as well as the spoken. For example, do participants mention particular politicians including governors as part of the landscape? Do they, if not specifically asked, talk about the “money talks” way of mainstream political life and lobbying in Texas? For example, economic constraints have impeded many of these organizations. While the Texas legislature has spent millions of tax-payer dollars during four unproductive sessions that were supposed to deal with school finance, the coalition and its members make the most of meager resources.

I do not want these interviews to gather dust in an academic archive, but rather serve to educate and inspire the next generation of those who will fight for effective bilingual education policy.

Summary

This chapter examines the theoretical underpinnings of my methodology that I have followed for this study. It also clarifies the questions that guide this study and the materials I used to seek the answers. The selection and importance of grounded theory are included along with several of its concepts.

Specific strategies to generate research of the highest quality are employed. Particular attention is devoted to the development and implementation of the interview instrument and the ethical considerations that must be taken into account as the research proceeds.

CHAPTER 4

PUBLIC SCHOOL FINANCE AND ITS IMPACT ON BILINGUAL EDUCATION

“As my comment previously indicated, there is no clear crosswalk showing a tabular format to indicate – showing the particular variable, the particular state or federal requirement in terms of a crosswalk indicating that this would be considered among those things that would be assessed for the bilingual/ESL program. It shows the twelve indicators for that program (Johnson, 2006).” [Roy Johnson from IDRA provided expert testimony on behalf of the plaintiffs]

“I’m – I’m quite certain I don’t understand your testimony (Eccles, 2006).” [James Eccles was an attorney for TEA]

Introduction

This chapter briefly examines the history of funding public education in Texas, bilingual education policy, attempted reforms and subsequent lawsuits brought on behalf of Texas students against the state. The purpose of this compact assembly of information is to trace the sociopolitical factors that have been inherent in and continue to impact bilingual education policy, legislation, funding and implementation. My particular focus is directed towards the immigrant English Language Learner (ELL) population.

When one examines the financial reality of Texas public education, the tourist-friendly slogan “Everything’s bigger in Texas” is as misleading as the Wizard of Oz’s false bravado in the movie *Wizard of Oz*. Behind the curtain of politicians and bureaucrats perfunctory concern and commitment to quality education for all of the state’s public school students, Texas operates under a self-restricted number of

funding options, an apparent reluctance to grapple with the inevitable future realities as delineated by the Texas State Demographer, Steve Murdock, and a chronic disregard for the civil rights concerns that have served as the basis of numerous lawsuits brought against the state of Texas.

Governor Rick Perry called several special legislative sessions ostensibly to deal with funding public education for Texas children of whom a growing number are the critical population in the Texas state student body known as English Language Learners (ELLs). They comprise a “weighted,” rapidly growing student population who feature prominently in Murdock’s predictions. In Texas statutes, ELLs are essential to the funding issues and civil rights concerns that dominate Texas public school policy, politics and practice.

Both high and low-wealth districts acknowledge a critical shortcoming in the present funding allocations for bilingual education and are unanimous in agreeing that current funding for English Language Learners is inadequate (MALDF, 2006). Furthermore, the heated debate over funding bilingual education and providing meaningful instruction in the field never roams far from the civil rights issue inherent in the need for equal access to education. One of many critical voices, Elena Izquierdo, Vice-President of the Texas Association for Bilingual Education (2006), criticizes the English-only model of language instruction on the grounds that it “denies access to an equal educational opportunity.”

This chapter briefly presents the history of ELL funding and policy within the context of the larger Texas public education funding landscape. Accordingly, this

analysis consists of the following elements: language acquisition as a civil right; the growing demands of the federal No Child Left Behind (NCLB) mandate; the overlapping concepts of “equity” and “adequacy;” and a chronic under funding of bilingual education in great part because of its light funding weight, coupled with the lack of trained bilingual teachers. However, I precede this discussion with a brief history on public school finance.

Funding Public Education in Texas

The Early Years

The first resources dedicated to public education in Texas were land grants authorized by the state of Coahuila y *Tejas* in 1827 and 1833 in response to the 1824 Mexican Constitution’s designation of the states as those entities responsible for public education (Woomer, 2002).

In 1845, Texas was admitted to the United States and its state constitution of the same year called for property in Texas to be taxed for public schools. In 1854, funds from a permanent endowment, created by then-governor Elisa M. Pease were distributed on a per capita basis. After the chaos of the Civil War, Radical Republicans of the Reconstruction Era instituted the first statewide system for local property taxes, which many Texans resented and refused to pay (Tijerina, 1977).

Gilmer-Aiken Laws – The Foundation and Framework

Gilmer-Aiken Laws, passed in 1949, are considered both the foundation and framework of a comprehensive and efficient method to finance Texas public schools (Kuehlem, 2004). Committees throughout the state participated in identifying reforms put forth in these sweeping laws. Major changes included consolidation of school districts from 4,500 to 2,900 and state funds that supplemented local taxes. Additionally, teachers' salaries increased, professional specialists were added to the personnel roster, the number of days of mandatory attendance each year was established and the state made a commitment to a twelve-year educational opportunity for Texas students.

Foundation School Program

The bills also created the Foundation School Program (FSP). Funds for this program were available from numerous sources, both locally and statewide. The FSP is a series of formulae, adjustments and weights which are employed to determine state and local funding levels for public education (Imazeki & Reschovsky, 2005). It is a multi-tiered system that permits local determination of tax rates.

Numerous adjustments, in addition to student weights, determined a district's "share" of available monies. These ranged from the "sparsity adjustment", which compensates for the challenges of serving a small number of students spread out over a large geographical area, and an adjustment for a small district-it recognizes that even a relatively small student population required many of the facilities and services

of larger districts. Other adjustments were provided to attract teachers and other personnel to various geographical locations which might be considered less desirable than others (Education Reporter, 2004).

Tier I: Basic Allotment

The basic level of funding for each district is situated in Tier I where the basic amount per student, set by the legislature is adjusted according to the characteristics of each district (Woomer, 2002). Tier I is also a function of the district's local property value, or "foundation funding", level in the Texas FSP. It starts with a Basic Allotment, the base level of funding for each student in average daily attendance (ADA) (TEA, 2004-2005). The state multiplies the Basic Allotment by district adjustments that include the Cost of Education Index (CEI) and the Small and Mid-Size District Adjustments. CEI reflects geographic cost variations based on teacher salaries, student enrollment and concentration of low-income students (TEA website, 2007).

Tier II: Guaranteed Yield

Tier II provides additional funds to school districts beyond the base funding level in Tier I. It requires districts to levy a tax and also gives them a broad discretion in setting rates and spending revenue. Tier II taxes, known as Maintenance and Operations (M&O) taxes, are guaranteed by the state to generate a certain level of

income per student per penny per tax effort. Tier II tax rates generate resources for education in the form of a guaranteed yield. As Woomer explains:

The current guaranteed yield system is based on a district's Weighted Average Daily Attendance, and provides districts the flexibility to set their own tax rate for maintenance and operations as anywhere above .86 and below 1.50 per \$100.00. [This is in contrast to Tier 1 in which districts are mandated by statute to set their tax rate at .86.]

This flexibility is critical to the legality of the system. Article XII Section I-e of the Texas Constitution prohibits the state from imposing a state ad valorem tax (Woomer, 2002). Finance experts, including Lori Taylor (2004b), point out that Tier II, once almost entirely a resource for "local enrichment" is now a necessity for raising revenue in every district. "While there may have been a rational distinction between the two tiers in 1993-1994, no such distinction exists today."

Federal Funds or Passing the Buck Even When There is no Buck

Public school funding in Texas comes from local funds, primarily local property tax revenues; state funds come from a variety of sources, including the General Revenue (GR) Fund, Available School Fund, and special fees; and federal funds. Since property taxes are the primary source of local funds for public education, the districts adopt two tax rates each year: one for maintenance and operations (M&O) and the other for enrichment. M&O taxes, in all but a few districts, are subject to a statutory maximum of \$1.50 per \$100 of taxable property value (Education Report, 2004).

Federal funds represent the smallest portion of the three major revenue sources for the state's public funding for schools. The actual percent of federal educational support has diminished over the past few years and continues to decline. Furthermore, federally mandated programs including NCLB with its attendant requirements for testing, evaluation of data and reporting-collectively known as "accountability", are not required to be accompanied by the funds to even minimally carry out these mandates. This obviously puts a resource strain on the states and local districts that are required by federal law to put into practice programs that are not often included in their budgets. It could also be argued that this situation allows states an "excuse" in their decision to not carry out certain requirements – an "excuse" which is often remedied only by civil litigation. Generally, federal funds are appropriated for special programs or to provide services to a specific group of students, like bilingual education or ESL. Because they are specifically earmarked for these programs, they cannot be used to replace state or local dollars to fund a program. Approximately half of these funds go directly to school districts, while the remainder goes to the state or to regional education service centers (HRO, 2004).

In her analysis of financing bilingual education in Texas, Crawford (2003) aptly characterizes an unfunded policy as "tantamount to a plane with no wings- it can carry a large number of passengers, but takes them nowhere." We must remember that in this case, the "passengers" are the children of Texas. The ACLU (2006) states, "We can no longer rely solely on isolated legislative or litigation-based

strategies in order to promote education reforms that later become unfunded mandates bearing little impact on furthering the educational attainment of children.”

This is particularly unfortunate for Texas. No Child Left Behind in particular was said to have been adopted in an attempt to replicate academic accomplishments produced in Texas in general and Houston in particular. In reality, these accomplishments, misnamed the “Texas Miracle” were based on faulty information. This time the manipulated misinformation was provided and promoted by Rodney “Teachers-are-Terrorists” Paige who served in George W. Bush’s cabinet as the head of the Department of Education before his resignation (King, 2004).

Bilingual Education–Policy in Texas

It’s obvious that in Texas, when we’re talking about English Language Learners, with few exceptions, we’re talking about Spanish speaking children. Crawford (2003) states it clearly, “The history of bilingual education in Texas illustrates the marginalization of Hispanics in the state in their struggle to achieve educational equity.” A later discussion in this chapter will add the notion of “adequacy” as an additional criterion that must be considered in the quest for ELL’s constitutionally guaranteed education.

Compensatory Education Program

The State Compensatory Education program was created in 1975 to provide supplemental funding based on the number of low-income pupils in Texas schools

with “supplemental educational services for disadvantaged children (Federal Title I).”

As Combs (2003) explains:

state compensatory education funds should be spent on supplemental programs and services to eliminate the performance gap, as measured by state testing between students at risk of dropping out and all other students...support. Federal title I programs for students on campuses whose student bodies are at least half economically disadvantaged (defined as being eligible for the federal free and reduced price lunch program); and support alternative education programs.

The Compensatory Education funds also have a requirement that “school districts must evaluate the effectiveness of their state compensatory education programs and include the results in their district improvement plans (TEA, 2003).”

State Senator Eliot Shapleigh from El Paso has, among other funding configurations, grappled with the inadequacy of current compensatory education funds. He has consistently used his position to shed light on the deplorable economic conditions, particularly in the border regions of Texas, and their impact on educational opportunity and achievement of Texas students. In his El Paso Five Star Report, as well as reports released through his office, including Texas Borderlands, he notes that Texas ranks 50th with respect to the number of people 25 years of age and older with a high school diploma (Frontiers of the Future, 2005). His many demographic comparisons starkly emphasize that current funding formulas have, not by any stretch of the imagination, met the growing needs of Texas’ student population.

Shapleigh served on the Joint Select Committee on Public School Finance which in its report (2003) recommended that the compensatory education weight be

replaced with an “at risk” weight, which acknowledges the need for compensatory education to work with all students who are at risk of dropping out. This is particularly significant because it acknowledges that regardless of economic status, test scores or other factors, no student is dispensable (Shapleigh, 2003).

The federal reporting requirements for Compensatory Education Funds require their effectiveness to be included in the Annual Yearly Progress reports (Combs, 2003) and “progress,” measured in terms of test scores—according to some school personnel who spoke with the promise of anonymity—helps to explain why some students, including ELLs are currently “allowed to drop out without much resistance.” Since the dropout rate is not presently accurate, while test scores, supposedly are, the low scores of many ELLs translates into reduced incentives to keep them in the school system.

Bilingual Education Mandated Chapter 89 (SB 477-1981)

In 1981, in response to challenges brought by LULAC and the GI Forum with regard to denials of equal educational opportunity to Mexican-American students in Texas public schools, the United States District Court for the Eastern District of Texas ruled to enforce Texas to implement bilingual education and English as a second language (ESL) programs for all limited English-proficient (LEP) pupils. Legal civil rights frameworks justifying the need for these remedies include the following: Title VI of the 1964 Civil Rights Act, the Equal Protection Clause of the Fourteenth Amendment, and the Equal Education Opportunities Act of 1974.

In 1980, a Bilingual Education Task Force was appointed by Governor Clements to draft a state plan. This plan is known as Chapter 89. Adaptations for Special Populations, Subchapter BB. Commissioner's Rules Concerning State Plan for Educating Limited English Proficient Students, was commissioned by Commissioner Raymon L. Bynum (Texas Education Code, §§29.051-29.064). The legislature appropriated approximately \$18 million to fund the bilingual education program for the biennium (House Study Group, 1981). Senate Bill 477 created and expanded state bilingual education and ESL programs for LEP pupils in pre-kindergarten through 12th grade. It mandated bilingual education kindergarten through sixth grade and English as a Second Language (ESL) at the secondary level.

School districts received a special allowance of \$50 for each LEP student enrolled in a bilingual program. Districts also allowed for the first time to receive funding for LEP students in ESL or special language classes in the amount of \$12.50 per student. These allotments were used for program and pupil evaluation, instructional materials, staff development, and supplemental staff expenses (TEA Policy Research, 2001).

Ross Perot's Committee says, "Hurry up and Weight"

A development in school funding formulas which significantly affected bilingual education funding and policy occurred in 1984. When millionaire businessman Ross Perot was appointed by Governor Mark White to chair the Select Committee on Public Education (SCOPE), the committee encouraged the legislative

adoption of “weights” as among the various reforms laid out in HB 72. The famous bill that inaugurated, among other things, student and teacher testing (for an excellent study and analysis of the Perot reforms, see McNeil, 2000). HB 72 was enacted in the June 1984 Special Legislative Session. Besides a major funding revision that brought about a change from personnel units based on the number of teachers employed to weighted pupil units as a basic distribution vehicle, this committee considered many other aspects of schooling they considered to be problems. Some of these ranged from athletics to teacher pay and from class size and length of year to mandatory kindergarten (Toch, 1991). Other far-reaching contributions of this bill included moving to a state minimum salary schedule. Perot’s commission’s first responsibility was to the teachers, and it agreed to the obvious promised pay raise; yet this was a system of documenting and assigning merit so that only those who performed to higher standards would be appropriately rewarded (McNeil, 2000).

The use of weights affected the critical calculation which became known as Weighted Average Daily Attendance (WADA); this is one of the most significant elements that determine a district’s overall funding. It measures school and district student enrollment and attendance throughout Texas schools. These are then translated into a dollar amount for budget purposes. The institution of weights served to acknowledge that in funding public education, some students required additional or special services, and that one price does not meet the educational necessities of all students. This has become even more obvious and critical with the implementation of strict accountability standards (Imazeki & Reschovsky, 2005). For statistical

computing purposes, an “average” student is counted as 1 (one). Weighted education categories include, bilingual education/ESL, special education, gifted and talented, career and technology and compensatory education. Each group is assigned a “weight” which is then factored into the funding equation which determines the payments to each district.

At the present time, each group is weighted as shown in Table 2.

Table 2
TEA: 2006-2007 Preliminary Summary of Finances

Finance item	Weight
Bilingual/ESL	0.10
Career & Technology	1.35
Compensatory Education	0.20
Gifted & Talented	1.20
Special Education:	
Homebound	5.00
Hospital Class	3.00
Speech Therapy	5.00
Resource Room	3.00
Self Contained, Mild Moderate	3.00
Self Contained, Severe	3.00
Off Home Campus	2.70
Vocational Adjustment Class	2.30
State Schools	2.80
Non-Public Contracts	1.70
Residential Care & Treatment	4.10
Mainstream ADA	1.10

Note. From http://www.tea.state.tx.us/school_finance/funding/sofweb7.html

Emphasis Added

The weight for bilingual education has never been adjusted since bilingual education became a Texas law with HB 72 in 1984. Lest we think that the .10 weight was ever considered sufficient, the *Governor’s Office of Educational Research and*

Planning (GOERP) recommended a beginning bilingual education weight of .15 with an increase to .40 in two years. These recommendations were made ten years before HB 72 was passed (emphasis added) (West Orange- Cove FOF 447, 2004). In the early 1980s, the School Finance Working Group examined various models for the efficient delivery of bilingual education and “costs ranged from slightly over 40% to as much a double the cost of a regular education program for each grade grouping at the elementary, middle, and high school levels (West Orange- Cove FOF 452, 2004).”

If there is any doubt about the mind-numbing funding formulas employed to determine a districts budget, here is one of many.

WADA is determined by taking the total FSP allotment for a District and subtracting the transportation allotment and half of the adjustment attributable to the CEI (Cost of Education Index). This result is then divided by the Basic Allotment, resulting in the WADA for a district. WADA will be higher in districts with more students in special programs, in districts with higher numbers of students who qualify for the federal school lunch program, and in districts with higher CEI adjustments (Education Reporter, 2004).

What’s wrapped up in this blanket of words is the future of Texas students. Whether the assigned “weight” adequately funds the necessary personnel, supplies and other needs of these students is an on-going source of disagreement among advocacy groups, educators and legislators. Some critics characterize these weighted formulae and the programs they support as unnecessarily expensive and representative of “special interests.”

A Dire Situation

Judge John Dietz, who presided over the most recent lawsuit in 2005, *West Orange-Cove Consolidated ISD et al. v. Neeley et al.*, challenged Texas funding of public education. He recognized the situation in Texas as a dire one in need of immediate attention and remediation. He sees two trains, both on the same track, hurtling toward each other.

Using testimony from state demographer Steve Murdock and numerous officials from around the state, Judge Dietz paints a picture of two speeding trains – the need for the elimination of the property tax as the primary funding source for public schools, and the need to recognize and address the changing face of Texas (Haas, 2005).

La Lucha Latina - Language Rights in the Face of Blatant Racism

Inadequate funding of public education, debate over how to resolve this situation and the never-far-from-the-surface hostility towards the needs and rights of the Latino community seem as permanent and indigenous to Texas as Little Joe Hernández and Willie Nelson.

LULAC Takes the Lead

The convergence of prejudiced attitudes and discrimination against a particular population, Texas Latinos, and that group's determination to exert their language, educational and cultural rights, is evident in the formation of the League of

United Latin American Citizens (LULAC) in 1929. LULAC had its first class action lawsuit, *Salvatierra, Del Rio Independent School District*. It was popularly known as a desegregation lawsuit against segregated “Mexican Schools” in Texas. LULAC, in fact, provided the organization and financial base which brought this case to fruition. The year was 1931.

We should never underestimate the major role that language rights and the denial thereof, played in galvanizing various elements of the Mexican American community in Texas. Educational rights, language rights and suffrage were interlocking concerns. LULAC explains “Mexican Americans were not allowed to vote because in many instances they could not understand the English language, because they were not allowed to learn it....Mexican schools were staffed with the worst of teachers and the buildings were in deplorable conditions (<http://www.lulac.org/about/history.html>, 2007).

LULAC continues to be a visible, well-organized Latino organization that has made major contributions to coalition efforts to protect and promote bilingual education.

In 1971, forty years after *Salvatierra v. Del Rio Independent School District*, *U. S. v. Texas*, held that the goal for educating Mexican Americans was true integration, as opposed to mere integration. LULAC’s collaboration with the American G. I. Forum as interveners in this case further brought *la causa* (the cause) and coalescing organizations into the spotlight.

The court issued an order in relation to an educational plan for the San Felipe Del Rio Consolidated Independent School District that would give special educational consideration to the Mexican-American students. It was argued that they should be recognized as a separate group to assist them in adjusting to those parts of their new school environment that presented a cultural and linguistic shock (*U. S. v. Texas*, 1971). Attorneys Mike Gonsález from Del Rio, Texas, and Warren Burnett from Odessa, Texas, argued that certain “cultural incompatibilities” and English language deficiencies that identified students who shared these educational characteristics as members of a definite group helped to explain why Mexican-American youth habitually fell below that of Anglo-American students who did not share these experiences (*U. S. v. Texas*, 1971).

A Comprehensive Educational Plan for the San Felipe Del Rio Consolidated Independent School District was ordered to safeguard all students who were participants in language programs that “introduced and developed language skills in a secondary language, primarily English for the identified Mexican-American students, while at the same time, reinforcing and developing language skills in the primary language, so that neither English or Spanish was presented as a more valued language. The plan included bilingual and bicultural programs among other curricular innovations (Blanton, 2004).”

The story of lawsuits and constitutional challenges in the way public education is funded in Texas had a major milestone with the Rodríguez case in 1971.

This case was followed by the four Edgewood cases: Edgewood (1989), Edgewood II (1991), Edgewood III (1992) and Edgewood IV (1995) (Keefer, 2006).

Rodríguez v. San Antonio Independent School District

The original constitutional challenge to the state's school-finance system was *Rodríguez v. San Antonio Independent School District*. The case was named after Demetrio Rodríguez, who in a 2007 interview remembered a conversation with the lawyers before the case was filed.

When they asked me, 'Do you want to be the lead plaintiff,' I replied, 'Does it cost any money?' and the lawyer answered, 'No'. So I agreed to do it without understanding what being the lead plaintiff meant.

The suit charged that children from property-poor districts in Texas, including those in San Antonio's Edgewood School District where Rodríguez and his family resided, received an inferior education due to the property-tax basis of the state's school finance system that was inherently inequitable (Irons, 1988). The problems were not subtle. Rodríguez stated:

The Edgewood elementary school was an old school, all beat up and falling down. It had a lot of bats and they could only use the first floor. Sometimes bricks would fall down. We had a lot of problems in that school, teaching problems and disciplinary problems; they didn't care what the kids were doing (Irons, 1988).

It is noteworthy that MALDEF, now a powerhouse in many legal challenges to Texas public school funding and its consequences on Latinos, was far from its present strength and influence at the time of this original lawsuit. MALDEF was asked to participate in the case but due to monetary restrictions among other reasons refused the request; at the time, the organization was only working with individual clients whose complaints focused on police brutality and job discrimination (Irons, 1988).

From a legal standpoint, the Rodríguez case challenged Texas law on federal grounds. Arthur Gochman, the attorney who argued the case pro-bono, claimed that the

Fourteenth Amendment to the Constitution of the United States included education as a “fundamental right” that states must provide to all students on an equal basis (Irons, 1988; Kerper, 2002). His second claim was that poor families constituted a “suspect class” and, therefore, deserved special judicial protection against discrimination by state officials. Gochman added that Mexican Americans were a distinct racial and ethnic group and, like Blacks were included in the “suspect class” category (Irons, 1988). The case was decided by a three-judge federal court panel in 1971. The court held that the system violated the federal constitutional guarantee of equal-protection under the law. The United States Supreme Court reversed that decision in 1973, holding that for equal-protection analysis, education was not a fundamental right and that wealth was not a “suspect classification.” The court applied a “rational basis” analysis to hold that the school-finance system did not violate the equal- protection protections of the United States Constitution (Brownson, 2002).

Brownson (2002) further explains that the court decided that unlike voting rights, education was not guaranteed under the federal constitution so that each state would have to rely on the constitutionality of state finance systems and, therefore, the decision would be based on the specific language of the state constitutions. She also notes that while all states contain education clauses, “these clauses differ in the extent to which they contain language that relates to the provision of equitable school finance systems.” With respect to Texas specifically, she adds that “states such as Texas allude to the concept of equity, without specifically calling for it.”

Into the Edgewoods

The Edgewood cases, as they played-out, comprise a dizzying body of judicial decisions and arguments, as districts demand relief from a court in the State of Texas

and then appealed the unwelcome decision. Courts also appeal decisions and the transcripts take up more and more space in law library shelves. Do these cases reflect ideological conflicts? Are the “powers that be” protecting the interests of rich landowners and business interests who despise “sharing the wealth” to benefit poor children? Is a state income tax considered more heinous than a fifty percent drop-out rate? Is the education of Texas children a real priority in Texas or as Ana Alicia Romero (2006) observed has observed, politicians say “If we only had the money”, while pushing their own financial priorities. The debates, interpretations, claims and counter claims continue to this day.

Of particular interest in understanding the tangled relationship between the courts and the legislature is the degree in which the courts reiterate the responsibilities of the legislature; and then lawsuits result from displeasure with the consequences of policy-making and budget creating legislation. When court standards were set, bilingual programs were not required to meet these standards. Yet, sometimes these standards brought accountability and expectations that had not been clarified before.

For example, in the federal case *Castañeda v Pickard* (1981), standards were set for the courts to examine districts’ LEP programs, but these programs were not required to meet the standards beyond pursuing “appropriate action to overcome language barriers” through well-implemented programs (Kerper, 2002). Even so, these standards have been helpful in program evaluation and have been used in

federal cases including *Keyes v School District 1, Denver, Colorado*, (1972-73) to evaluate a state's program. These standards are:

1. A pedagogically sound plan for LEP students
2. Sufficient qualified staff to implement the plan (includes hiring of new staff and training of current staff)
3. A system established to evaluate the program.

The most recent court case, *U. S. v. Texas* No. 5281, focuses on the failure of TEA to monitor bilingual programs; laws, mandates, regulations, and decisions, all of which impact Texas students literally on a daily basis, are not carried out, enforced, lived up to or honored without cumbersome time, effort and money devouring challenges.

Edgewood Independent School District v. Kirby (Edgewood I) 777 S.W. 2d. 391 (Tex. 1989)

In May 1984 the first of the so-called Edgewood cases was filed in Travis County District Court. The court in 1987 held that the state school-finance system violated state equal protection guarantees and was inefficient; specifically violates Texas Constitution Article VII, Section 1. That decision was reversed in 1988 by the Third District Court of Appeals in Austin. The U. S. Supreme Court *Rodríguez* decision that held that equal protection guarantees were not violated and the efficiency standard in Article VII, Section 1 raised a political question that was unsuited for judicial review (Keefer, 2004). In 1989 the Texas Supreme Court reversed the Austin court of appeals, holding:

- Article VII, Section 1 standards are “justiciable” (subject to court review)
- “Efficient” means effective not equal or equitable, but gross inequalities prevent efficiencies
- Local enrichment is not precluded by efficacy, but is not possible until the Texas Legislature provides for a general diffusion of knowledge

The court did not address the equal-protection challenge.

Numerous tax-generating configurations which might have helped fund adequate bilingual programs and other district needs were proposed to the Texas legislature and rejected. One failed effort was the Luna-Urbe plan named after its sponsors, Senator Hector Uribe of Brownsville and the late, great Representative Gregory Luna of San Antonio. It would have created a county-wide tax base. It would not have solved all inequalities, since many below-average wealth districts are in below-average counties, but it would have helped. Groups including school boards and administrator groups opposed it. They argued that it would undermine local control (McCown, 2005).

Edgewood Independent School District v. Kirby (Edgewood II) 804 S.W. 2d. 491 (Tex. 1991)

After four special sessions and one veto, the Texas Legislature passed Senate Bill 1 in 1990 to reform the school-finance system. The District Court found it still to be in violation of Article VII, Section 1. On appeal, the Texas Supreme Court held that the effect of Senate Bill 1, a finance formula that achieved efficiency for 95

percent of state school population. However, it excluded 132 of the wealthiest districts, did not meet the constitutional requirement (Keefer, 2004).

Carrollton-Farmers Branch Independent School District v. Edgewood Independent School District (Edgewood III) 826 S.W.2d. 489 (Tex. 1992)

The Legislature's response to Edgewood III was Senate Bill 351, enacted in 1991, creating 188 county education districts, prescribing their tax rates and determining revenue distribution to districts according to a set formula. The Supreme Court found it unconstitutional, holding:

- A property tax is an unconstitutional state tax, regardless of whether it is statewide, if the state controls the tax, leaving the local authority no meaningful discretion.
- The legislature has the prerogative to determine what part local revenue should provide for financing public schools, but the Texas Constitution prohibits heavy reliance on grossly disparate local revenue to provide funding essential for public schools.

Edgewood Independent School District v. Meno (Edgewood IV) 917 S.W.2d. 717 (Tex. 1995)

The Legislature passed Senate Bill 4, the so-called "Robin Hood" school financing formula in 1993. The Supreme Court found it unconstitutional, holding:

- Efficiency does not necessitate equal access to revenue at all levels
- Efficiency is a standard that applies only to a general "diffusion of knowledge" and, although the legislature has broad discretion to make the myriad of policy decisions concerning education, that discretion is not without bounds.

The Court noted that districts could provide for a general diffusion of knowledge at tax rates lower than \$1.50 per \$100 assessed value. But the court warned that at the \$1.50 cap the Legislature set on the tax rate some districts may be forced to tax at the highest of a statewide ad valorem tax because the districts would have lost all meaningful discretion. It also reiterated that local supplementation would be permitted as long as efficient financing for a general diffusion of knowledge was not impaired (Keefer, 2004)

In 1995 the Texas Supreme Court upheld the constitutionality of Senate Bill 7 and limited funding was provided to help equalize facilities funding. In 2003 the Texas Legislature debated school funding issues, but provided no additional state equalized funding. Instead, all districts, regardless of wealth, were provided \$200 per ADA (per student) thus maintaining the same levels of inequities found in the Texas system (Taylor, 2004b).

West Orange-Cove Consolidated Independent School District v. Alanís 107

S.W.3d 558 (Tex. 2003)

On an appeal from a dismissal on the pleadings by the Travis County District Court, the Court reversed, holding in part that Article VII, Section 1 is justiciable. The Texas Legislature has the sole power to decide how constitutional standards are met, but the judiciary has final authority to determine whether they are met. The court said districts must tax only to provide an adequate education, which may or may not be measured by accreditation.

This presumption favors the Texas Legislature on adequacy, because it is charged with policy choices. Moreover, the Legislature is bound by its own policy statements. Once made, the judiciary's responsibility in a proper case must determine whether the policy choices as a whole meet the standard established by Article VII, Section 1 (Brownson, 2004).

Remnants of Racism – Bilingual Arguments Today

While some opponents to bilingual education may believe they have a pedagogical justification, other opponents illustrate why education continues to be a civil rights issue through their open hostility towards providing necessary educational services. For example, during 1993 -2003, the Texas school population grew by 18% and the number of students in bilingual or ESL programs grew by 54% (Texas State Comptroller of Public Accounts, 2004). This resulted in an even more acute shortage of certified bilingual teachers has necessitated offers of stipends to attract them. Rossell (2003) used this failure of the state to educate and attract qualified bilingual teachers to argue that the additional cost associated with providing bilingual programs only strengthens the argument for bringing these programs to an end in Texas.

One need only look at the abysmally low rate of college graduation for Latinos to understand why numbers from one natural source of bilingual teachers lags far behind the demand. Anyone cognizant of Murdock's predictions of a rapidly growing Latino population in Texas, coupled with a scandalous and virtually

unacknowledged drop-out rate, might also wonder why there is such a relentless resistance to offering adequate academic support and instruction to all students.

Defenders of bilingual/ESL programs affirm that weights and other adjustments should not only be maintained, but increased to “protect the right to an adequate and equitable education for all children regardless of their abilities or where they happen to live (HRO #78, 2004).”

To use a wide-angle lens for a moment, it is noteworthy that in 1900 4% of all children received bilingual education in elementary schools; the two languages were English and German. The PTA reports that “this may seem like a small number, but it’s larger than the number of children now in Spanish-English programs” (PTA Parent Weekly Newsletter, 2006).

Our Humble Hometown Hero Does not Rest on his Laurels

“People who forget the past will regret the future” –Demetrio Rodriguez (Ayala, 2007)

The front page of the February 12, 2007, *San Antonio Express-News* was graced with the face a young Demetrio Rodríguez – the man whose name is synonymous with the Edgewood v. *Texas* lawsuits that fought for equity education in Texas. A recent photo shows Mr. Rodríguez holding a newspaper, “The Edgewood News” with the headline “Victory!” Although in his eighties, Mr. Rodriguez continues to be cognizant that the problem he helped bring to light so long ago is still with us. The article says that he is critical of the Robin Hood system because he knows it will not complete funding, and the students do not have what they need. He

has warned officials of the danger inherent in not providing equal opportunity for all children (Ayala, 2007).

Whatever the reasons, the historical reality is that lawsuits have been required to try to force Texas to be fair to all its students, and some might argue, particularly to its bilingual students who, for the most part are members of low-income, frequently immigrant, families with parents who have not had the opportunity to pursue their own education. Studies and surveys suggest that Spanish speaking parents want their children to have “*un mejor futuro*” (a better future) and they know, unequivocally, that this means their children need a good education (Shannon, 2002).

The New Millennium – The Old Problems

The four Edgewood cases resulted in the Texas state legislature creating what has come to be known the “Robin Hood” system of funding between rich and poor districts by taking property tax money from the rich ones and distributing it to the poor ones. Despite this lengthy, protracted struggle, Edgewood returned to court with hundreds of other school districts after leading the legal fight for funding equity through the 1990s.

In 2004, during the West Orange-Cove trial, the Superintendent from San Antonio Edgewood’s School District, Richard Bocanegra, was cross-examined by lawyers for MALDEF who were seeking a court order for the state to invest more in public education (Selby, 2004). During the trial, historical discrimination against Mexican Americans in Texas was a focal point.

Andrés Tijerina offered testimony about the impact of racial and ethnic polarization, while Robert Milk testified about the severe shortage of certified bilingual education teachers in Texas. Milk's testimony as an expert witness expert stated that only 15 percent of 11th Grade LEP students meet TAKS requirements and his statement impressed Judge John Dietz (Kronberg, 2004).

However, State Assistant Attorney General Robert O'Keefe refuted that fact when he pointed to the "better- than- expected performance of LEPs in the TAKS, stating that in some grades they were better than English-speaking counterparts" (Kronberg, 2004).

As in years past, MALDEF again provided their expertise on behalf of the Edgewood Interveners. MALDEF presented a slide show that irrefutably identified the mournful inadequacy of classrooms in districts including the Rio Grande Valley's Pharr San Juan Alamo School District. In PSJA, some classrooms had leaky roofs; others were referred to as "the barracks" because they resembled old migrant farm worker camps (Kronberg, 2004; *West Orange-Cove*, audio webcast, 2004).

Judge Dietz ruled with a sweeping declaration that the current system violated the Texas Constitution assigning the Texas Legislature the responsibility of devising a worthy financing system that would educate the large number of economically disadvantaged students without limiting the education of more affluent students (Selby, 2004).

Adequacy: All Districts Are not Created Equal

This case also brought the notion of an “adequate education” as the desired standard to the fore. While equity is needed for “adequacy,” it does not guarantee it. Brownson (2002) explains that “the adequacy argument has several advantages over the equity claims that have been used in the past.” She adds that many factors can cause the cost of education to vary widely. Some of these variables include teachers’ wages, districts with student populations with special needs, and the cost of educational services in different areas. She concludes that “simply funding all districts at an equal level may ignore large differences in cost, to the detriment of some students.”

In the mandates, dominated recently by No Child Left Behind, the word *accountability* has become synonymous with a stultifying regimen of tests and evaluations. Surprising to many, however, the numbers required for a school’s “acceptable” rating are calculated by graduated formulae, which many believe do not measure students’ mastery of a subject. Judge Dietz stated unequivocally: “An ‘academically acceptable’ ranking is not the equivalent of an adequate education. (West Orange Cove, FOF 29b, 2004)

Dietz added that “the general diffusion of knowledge”, as promised by the Texas State Constitution, is a constitutional mandate of “adequacy” and that the present cost of providing this level of education exceeds the maximum amounts provided by the state’s funding formulas (HRO Focus Report #79-6, 2005).

The judge also specifically addressed the bilingual funding “weight” in his Finding of Fact.

The bilingual weight of 0.1 or 10%, last adjusted in 1985, does not come close to reimbursing school districts for the additional costs associated with educating bilingual or Limited English Proficient students. Even at the time it was proposed, the setting of the weight was driven by resources available, rather than an assessment of the additional costs associated with educating bilingual or Limited English Proficient students. Georgiana Gonzalez, the head of bilingual programming at TEA, testified that she believed a weight of 0.3 or 30% would better reflect the increased costs associated with educating bilingual students. Dr. Moses, Dallas Superintendent, said a weight of 2.0 would be necessary (FOF: 83- 444)

Additionally, the Finding of Fact state that “it costs substantially more than the .10 in educational resources to bring LEP students to a given level of educational performance than it does for their more advantaged peers to achieve that same level with respect to meeting their educational needs.” None of these arguments have changed the bilingual weight.

The notion of “adequacy” is a casualty with respect to the funding for bilingual education programs and their impact on LEP student achievement.

The current bilingual program weight used in Texas was set prior to the implementation of the TAAS and TAKS standards and has proven to be substantially insufficient to allow school districts to offer adequate bilingual education/ESL programs to their LEP students in order to meet educational standards. (FOF 460)

Consequently, Judge Dietz ruled that Texas’ system of school funding declared that the state’s school finance system failed to provide an adequate, suitable education as required by Article VII, section 1 of the Texas Constitution. Some districts were forced to tax at the \$1.50 cap on maintenance and operations taxes; this was a violation of the Texas Constitution. Also, the Texas school system was not

financially efficient or efficient in the sense of providing the mandated adequate education. The judge issued an injunction against state spending for education if the Texas Legislature did not remedy the problems by a certain date.

Oyez, Oyez – the Governor Proclaims

As the 2005 79th Texas Legislature convened for a thirty- day special session, Governor Perry was pressed to comply with Dietz’ mandate of trying to find a source of funds that would grow in the future as school enrollment continued to increase and costs expectedly escalated. Perry claimed center stage. Twelve reasons were listed for convening again in order to take care of the State’s pending public school finance reform (Perry, 2005). Issues that included educator compensation, certification, fiscal accountability, textbook funding, elections for board of trustees, continuation of the Texas Education Agency (TEA), charter schools, end-of-course examinations, property tax rates and indicators of college readiness were indicated as matters that required urgent attention in order to ensure that education would drive the economic and cultural future of the state of Texas.

Not everyone gave the governor’s actions rave reviews. An editorial in his own backyard was critical and straightforward in stating that he forced the lawmakers into sessions and that the big question would be whether public schools would get help or whether it would turn out to be a waste of time and taxpayer dollars if all the legislature did was “rearrange the deck chairs instead of buying new furniture for schools (Embry, 2005).”

Despite the escalating growth of the Latino student population, plus the massive numbers of economically disadvantaged students and the forgotten English Language Learners, Governor Perry did not make reference to this matter and instead focused on the property tax issue. On June 21, 2005, the day that the Texas legislators convened, the Texas Latino Education Coalition (TLEC) and MALDEF sent a joint letter to the Governor and policy leaders calling for meaningful school finance reform that would improve our school finance system close the education achievement gap and meet the standards set by the courts (MALDEF, 2005).

The letter recommended the following: (1) keep and improve equitable funding between rich and property-poor school districts; (2) substantially fund facilities construction so that school districts can provide a nurturing and supportive learning environment for our school children; and (3) keep and increase funding “weights” to meet the needs of educating school children who are English language learners, economically disadvantaged, gifted and talented, and/or who are disabled (Texans for Fair Funding, 2005). IDRA, as well as other individuals and organizations, reiterated the painfully obvious fact that the future of Texas depended on excellent education for all Texas school children (IDRA, 2005).

The House of Representatives Democratic Caucus unveiled a school finance alternative plan and referred to it as the real school finance solution (State House of Representatives, 2005). This plan included an increase in funding for bilingual education as one of its principles. The Texas House Democratic Caucus had earlier introduced this proposal to the legislature and had called it the “Learn and Live Plan.”

Representative Pete Gallego (D-Alpine) voiced that “all children need to be given the opportunity to succeed, without regard to their zip code or their financial status (Genz, 2005).” Other accounts relate that the special session (2005) was very significant since there was heavy pressure to draft a new school finance system since the current system had been ruled unconstitutional by the Texas Supreme Court and schools might not have been able to open in the fall.

Another newspaper accused Governor Perry of using school children as political pawns because of veto of the \$35.3 billion public school budget appeared needlessly risky since it has been revealed that a loophole in the appropriations bill would allow the Legislative Budget Board to fund the schools despite the veto (Embry, 2005). The Latino leadership, Representatives Rene Oliveira (D-Brownsville) and Aaron Peña (D-Edinburg), described Governor’s Perry plan as regressive, but still praised it to the degree that it presented something more reasonable than previously proposed (Pierson, 2005).

Many political observers believed that it was Speaker Tom Craddick who held the keys to everything at the Texas State Capitol (Selby, 2005). Many were dubious that the governor could do a quick fix in thirty days before the current special session ended for a situation they had not been able to rectify in four years (Hoppe & Garrett, 2005).

Hochberg- So Near yet so Far Away

The Democrats introduced House Bill 15, an alternative school funding plan authored by State Representative Hochberg that would, among other provisions, increase funding for bilingual education by 50 percent. The House defeated the Democrats' proposal with a 75-74 vote, Speaker Tom Craddick casting the tie-breaking vote (Texas Legislature, 2005). Hochberg said the close vote on his amendment showed that there was widespread disagreement with the leadership's school finance plan (Elliott, 2005). Representative Pete Gallegos, D-Alpine, believed that HB2 and the Hochberg Plan had identical costs (Fikac, 2005). Representative Scott Hochberg's HB 15 plan proposed a \$4,000 plus increase in teachers pay. The level of equity and extra spending for high need students, such as ELLs, would far exceed what Governor Perry or the House and Senate leadership had endorsed.

Representative Rene Oliveira (D-Brownsville) was critical of House Bill 2 (2005) because he felt that it would create a larger gap between rich and poor school districts than currently existed and that it did not adequately help those schools with large populations of students who were considered more costly to educate including those from low income families and those with "English-deficits" (Scharrer, 2005).

The Senate Plan eventually passed, providing weights or set funding amounts equal to the House plan for bilingual education (Texans for Fair Funding, 2005). Senator Leticia Van de Putte (D-San Antonio) issued a statement that "the Senate stood united to support a bi-partisan plan that puts the interests of our students first.

We are not willing to consider legislation that provides a temporary fix to school finance at the expense of our schoolchildren (Scharrer, 2005).”

Even supportive legislators, who back meaningful and far-reaching school finance reform, are apparently not able to ensure that the state will comply with regulations that are already in place. It is relevant to note that again, the state has forced MALDEF and others to return to court yet again. The TCBE members stepped forward on behalf of Texas LEP students in order to reveal programs that were not monitored and evaluated.

“Motion for Further Relief”

The latest court case, which is still under consideration, provides new information about the lethargic and arrogant, if not downright dismissive, nod that is given to regulations aimed to “ensure that LEP students receive appropriate educational programs and equal educational opportunities in Texas through the processes of monitoring, supervising and enforcing of LEP programs (*U. S. v. Tex. “Motion for Further Relief”, 2006*).

During the hearing on December 4, 2006, Dr. Taylor from the TEA, under oath, was questioned by Mr. Glassman (U. S. trial attorney) about the preparation of a manual that is apparently needed to monitor LEP programs at the district level. The “Motion for Further Relief” was filed in February of 2006. It states unequivocally:

THE PRESENT SITUATION; MANY MORE LIMITED ENGLISH PROFICIENT STUDENTS, MANY MORE FAILING, AND VIRTUALLY NO MONITORING BY THE TEA. (*U. S. v. Texas*, Dec. 4, 2006).

Mr. Glassman: Dr. Taylor, just judging from my notes, I thought when we left off, you had mentioned that you were working on a draft manual for on-site visits. Is that correct? [Dr. Taylor is a TEA employee of the monitoring compliance division]

A. That was correct.

Q. That correct? And at that time you said it probably would be ready in November?

A. I believe I estimated or approximated that, yes.

Q. Is such a manual available now?

A. It is not finalized as I sit here today.

Q. Is there a draft?

A. Yes sir, there is a draft. But it's not a final draft, nor has it undergone internal review at the TEA to the point that it can be published as a final product. (From December 4, Day 5)

Taylor exemplifies what happens to our tax dollars. Her words are also a literal testimony to the tenacity, patience, intelligence and devotion to the future of Latino children that numerous organizations and individuals continue to demonstrate as the decades slog on.

The next exchange is also from December 4, 2006, Day 5. The speakers are Diego M. Bernal, MALDEF attorney and Taylor of the TEA. "Indicators" are factors employed to determine whether certain goals and standards are being met including Annual Yearly Progress (AYP) and other annual quantitatively measurable achievement objectives. We see here that although the state and federal government set standards and employ supposedly objective criteria to measure "compliance," everything can change.

Diego Bernal (attorney for MALDEF): Isn't it true that you removed an indicator designed to measure whether or not districts were successfully exiting LEP from the bilingual program?

A. Yes, we did.

Q. Isn't it true that districts have the opportunity to recommend the removal of indicators?

A: Yes, there's that opportunity. (Court transcript, U. S. v. Texas, Oct. 24, 2006)

Conclusion –Meaningful Finance Reform in Bilingual Education

As Moses (2003) points out, Edgewood interveners led by MALDEF attorneys, presented statistical gaps between “Anglo” and “Hispanic” students, between “English speaking” students, and those with Limited English Proficiency (LEP) clearly speaks plainly to the civil rights legacy of the school funding struggle in Texas. This struggle continues with a growing number of students needing services, an alarming lack of certified bilingual teachers or a commitment to train an adequate number, a trend in tying accountability to standardized tests (high schools do not offer testing in a student’s native language), lack of monitoring of programs, supposed pretentious pedagogical arguments that have become increasingly political in nature, a seemingly frozen “weight” for bilingual education, as well as a “blame the victim” rationality. On this last point, José Cárdenas (1997) has included the notion that only the privileged care about education for their children and are willing to pay for it as one of the “Myths in School Finance.”

To the present, May 2, 2007, Judge Wayne Justice has not issued a judgment in the monitoring case. The road has been so long and the end does not seem in sight. It is in this stark landscape that individuals, organizations, and coalitions simply and courageously refuse to *tirar la toalla* (throw in the towel).

CHAPTER 5

THE TCBE AND ITS PARTICIPANTS

Introduction

This chapter places the formation of the Texas Coalition for Bilingual Education (TCBE) within a historical and socio-political context, in order to answer my second research question regarding the effectiveness of the roles, strategies and positions taken within the TCBE in the context of a public school finance crisis, and daunting federal mandates. On the heels of past and continuing political, legislative, and judicial struggles as laid out in previous chapters, political stamina and wherewithal resides not only in the coalition, but also among coalition members themselves. Clearly, a unique mix of individual and organizational factors combined and came to the fore during the 2005 79th regular legislative session in order to protect and advanced the TCBE's bilingual education agenda.

Commentary on the historical and sociopolitical context in which TCBE exists, characterized by a civil rights struggle in the face of a right-wing agenda to eliminate bilingual education, opens the chapter. Short descriptions of the premier Latino organizations which coalesced as TCBE follow. Following that, there are short biographies of my research subjects, who are all coalition members. Additional information is provided through brief descriptions of organization which supported TCBE efforts. This groundwork allows me to address the work of the coalition itself.

Drawing on my literature review on successful coalitions (Moyer 2001; Sirianni & Lewis, 2001), I evaluate coalitional activities. I present the skill sets that individuals possess, many of which became important to coalition functioning. These included but are not limited to the following: grantsmanship, prior experience with coalition building, convening public meetings, organizing rallies and press conferences, writing policy briefs, civil disobedience, writing letters, testifying at legislative hearings, lobbying the legislature, and conducting pressure negotiations.

My grounded theoretical framework reveals the salience of what may be termed “the strength-of-strong-ties hypothesis” as a means of understanding effective coalescing coalition activity. In so doing, I build on Granovetter (1973) who advanced the influential strength-of-weak-ties hypothesis. His seminal article in 1973 focused on the area of socioeconomic mobility with particular examination of industrial firms. I also build on important work in an undeveloped area of policy making that argues for the strength of strong ties (Lazer, et al., 2003).

My own observations of coalition members at work in formal and informal settings contribute additional information and insight. This chapter provides important detail about the actual formation of the TCBE’s together with the formation, content, and expression of the coalition’s derived goals. A final section on the continued vulnerability of bilingual education and some of the challenges it presents to TCBE rounds out the chapter.

Historical and Sociopolitical Context

Since the end of the United States-Mexico War, (1840-1848) Mexican Americans have created numerous organizations in order to oppose racism, segregation and violence (Acuña, 2000). Nevertheless, before the turn of the 20th century, Mexican Americans were too economically weak, politically marginal, geographically isolated and poorly acquainted with the legal traditions of the United States to launch sustained political campaigns (Márquez, 2003).

From the English Only law of 1918 to the present obvious unwillingness of witnesses to tell the truth under oath, efforts to provide Texas public students and Latino students in particular with an education that meets the standards set forth in the Texas Constitution as well as the U.S. Bill of Rights has been met with formidable opposition. This was demonstrated in the recent case involving Teresa Parker, principal of Preston Hollow Elementary School in the Dallas Independent School District (DISD). Specifically, her sworn testimony that the school did not unlawfully segregate Latino school children in a predominately Anglo school was rejected by the court. It determined that Parker “in her individual capacity violated the Fourteenth Amendment and was therefore liable to the children/plaintiff in the lawsuit.” (*Lucrecia Mayorga SantaMaría, et al. v. DISD, et al.*, 2006). The DISD itself was not punished.

The Right-Wing Threat to Quality Bilingual Education

Opposition to bilingual education comes from numerous directions. This means that individuals and their organizations who seek to defend and promote bilingual education must be stalwart and dedicated, as they wade through paper mountains of research – some of which is worthy of the title while some is blatantly and unapologetically weak and without validity. It takes tenacious and devoted experts, such as those found in TCBE to differentiate arguments and act on the morass of oftentimes dense numerical displays of data. Since research can be used in court cases as a tool for justifying policy and therefore budget allotments, as well as curriculum and program design, it must be reckoned with.

For example, validated research such as the Thomas and Collier study (2001) concludes that the more native language grade-level schooling, the higher the English language achievement. Nevertheless, these findings are vigorously contested even though this vigor does not extend to the quality of the opposing research. Accordingly, Valenzuela (2006) characterizes a research paper, prepared by the Lexington Institute which promotes Structured English Immersion (SEI), as a successful replacement for Bilingual Education as a “non-peer reviewed study and very weak.” The significance of this report is not the quality of the data, but rather that flimsy scholarship was used to prop up the claim in 2006 by several Texas State Board of Education members who argued against bilingual education and in favor of Structured English Immersion.

The Mission Statement of the Lexington Institute reveals a somewhat startling but perhaps predictable placement of education reform in the context of “defending the homeland (United States) and projecting power around the globe.” Its stated mission is to:

shape the public debate of national priorities in those areas that are of surpassing importance to the future success of democracy such as national security, education reform, tax reform, immigration and federal policy concerning science and technology. By promoting America’s ability to project power around the globe, we not only defend the homeland of democracy, but also sustain the international stability in which other free-market democracies can thrive (Mission Statement Lexington, 2007).

Other well-heeled opponents, such as those in the Texas Conservative Coalition Research Institute (TCCRI), do not seem in any way burdened by the need to make recommendations that have any pedagogical validity at all. For example, State Representative Linda Harper-Brown (R- Irving), who served as the immigration chair of the TCCRI proposed legislation that could replace bilingual education with Structured English Immersion (Umuth, 2007). It is again instructive to briefly look at the principles and perspectives of the institute which is a non-profit tax exempt educational foundation (Texas Conservative Coalition Research Institute website, 2007). It lists its four core principles as limited government, individual liberties, free enterprise and traditional values. Its goals and motives are clear:

Since public policy makers are engaged in a war of ideas, good ideas, if successful, have positive consequences. The ideas debated and adopted today continually re-shape Texas. Yet, it is not sufficient for conservatives simply to have the best public policy recommendations. They must engage in efforts necessary to demonstrate that conservatism and its core values are the most beneficial means to govern and maintain a healthy, vibrant civil society.

Referring to groups like the TCCRI, Ana Alicia Romero of IDRA characterizes the effort on behalf of ELLs as follows: "It seems that every time we take a step forward, they push us back two more steps and we have to do something. We should be able to bring together and harness the power to influence policy, to shape the way people think about public education" (A. Romero, personal interview, May 23, 2006). Romero's comments refer specifically to the right-wing threat to bilingual education.

To be sure, in this new millennium, Latinos in general and ELLs in particular, are not prohibited from drinking from a particular campus school water fountain, but the remnants of racism and prejudice appear to play a part in determining whether that fountain is cracked and whether the drinking water is polluted. In this sense, there has been progress overall, yet Romero's commentary is well taken. That is, when the bilingual education student returns to the classroom, the residue of decades of inequities plays a role in determining not only whether the teacher is well-educated and certified but also whether the bilingual program itself is adequately funded and pedagogically sound.

In light of these political realities, it is not difficult to understand the need for a coalition to deal with this educational and civil rights issue. Indeed, it is the coalition's work to economize and maximize the energy and resources available across group boundaries. Each representative organization of the TCBE has its own network, and these existing organizations have areas of expertise and experience (A. Romero, personal interview, August 5, 2005).

Gómez (personal interview, December 2, 2006) explains that there are a number of organizations in Texas that have been concerned about the non-English speaking, language minority child but observes:

they have never pinpointed exactly what needs to be done, and that is why we are in the situation we are in because for many, many years, the decisions on what programs and policies are in place have not been initiated or influenced by these organizations in any meaningful way. So I think one of the greatest errors that we have all made over the past twenty or thirty years is not very clearly educating the leadership across our state, our legislators across our state, on what bilingual education is all about. So then their decisions are made from their point of view and from their perspective and from a total absence of knowledge. And then we as bilingual educators have to deal with the repercussions of that because we deal with poor implementation, with poor programs and poor funding.

The TCBE and Its Goals

The TCBE was formed on 2004. It is composed of individuals and groups that have a deep concern about the future of bilingual education in Texas.

The coalition selected three specific focus areas that critically impact bilingual education in Texas. They are funding equity, monitoring of bilingual education programs and implementation and recruitment, preparation and retention of bilingual education teachers. As discussed in the previous chapter, increased school funding is obviously only the first step, but a critical, never fully realized necessity, in providing adequate, pedagogically sound, bilingual education in Texas which can hopefully be institutionalized in a way that protects it from “most vulnerable status” when funding cuts or political posturing come to call. In its policy statement for “evidence and rationale” the TCBE states:

Based on research and recognized best practices, we the coalition in support of bilingual education have adopted and will support the following unified positions.

Funding Equity:

- * Funding weights for special populations and will oppose block grant funding for those groups
- * Separate funding weights for bilingual education and compensatory education based on different student characteristics
- * A bilingual and ESL [English as a Second Language] weight of no less than 0.25 of the adjusted basic allotment
- * Limiting allowable administrative costs to no more than 15 percent of bilingual education and compensatory education allocations (TEC Section 42/153)
- * Provisions that strengthen requirements that funding generated by bilingual and ESL pupils shall be used only to provide services to those LEP students served in bilingual education and ESL programs

Monitoring Bilingual Program Implementation and Compliance with State Requirements

- * Expanding TEA on-site monitoring of bilingual education programs on a three-year cycle consistent with the requirements of U.S. v Texas Civil Action 5281
- * Monitoring of bilingual education programs conducted by qualified evaluators and other personnel knowledgeable in bilingual education/ESL programs
- * Limiting bilingual exceptions and waivers granted by TEA and SBEC in districts that continue to hire non-fully certified personnel to two years
- * Returning to an associate commissioner for bilingual/ESL education by creating a department at TEA with ample resources to carry out the bilingual and ESL mandates found in state and federal policy

Teaching Quality, Bilingual Teacher Recruitment, Preparation and Retention

- * Improve the quality of teachers in bilingual education programs by recruiting, retaining and re-integrating certified bilingual teachers and providing increased funding and training at universities
- * Implementing a statewide campaign to encourage more students to enter teacher preparation programs in bilingual education
- * Provide funding for universities, community colleges and education service centers to collaborate in recruiting prospective bilingual education teachers
- * Adopting a loan forgiveness program for teachers trained and employed in bilingual education
- * Increase base salary for teachers in bilingual education and ESL

- * Providing funding for certified teachers who have left bilingual education to return to the classroom as teachers of LEP children
- * Providing incentives and professional support to encourage retention of certified teachers in bilingual education

Coalition members in the field of higher education and grassroots activists as well as the coalition organizations and their representative members are not only active in bilingual education issues but also work towards other forward-looking objectives for the Latino community. Unfortunately, not only non-Latino communities, but many of our own, would respond to a mention of these individuals with a “who?” instead of realizing their place in a “Who’s Who” of the new millennium. See Appendix D for a graph on the TCBE membership and its support organizations.

Premier Latino Organizations

Mexican American Legislative Caucus (MALC)

The Mexican American Legislative Caucus was founded in 1972. The group lobbies other legislators around issues critical to Latino progress. These include health and human services, public education reform and higher education, government reform, appropriations, redistricting, criminal justice and economic development. The caucus includes not only Latino legislators but African Americans and Caucasians as well. The group is well organized with an executive council composed of five members, serving as chair, vice chair, secretary, treasurer, and legal counsel (MALC website).

MALC has played a role in developing and writing legislation including Bilingual Education House Bill 477 in 1981. As the “largest single voting bloc for social reform measures,” MALC helped to end conservative attempts to alter House Bill 72 which dealt with comprehensive education reform in the late 1980s when it mounted a strong challenge to the so-called English-only Movement (MALC website). MALC later negotiated an agreement on the equalization of public school finance stimulated by the Edgewood ISD v. Kirby ruling (Orozco, 2006).

Recently, MALC has played a strong participatory role in a coalition with organizations including the Texas Association of Business (TAB), the Texas Association of Mexican-American Chambers of Commerce (TAMACC), the Texas Employers for Immigration Reform (TEIR), the League of United Latin American Citizens (LULAC), the Mexican American Legal Defense and Education Fund (MALDEF), and the American Civil Liberties Union (ACLU). The formation of this extended coalition builds upon the successful efforts of MALC and TAB last August to establish common ground with regard to the contentious issue of immigration (MALC newsletter, 2007).

Intercultural Development Research Association (IDRA)

IDRA was founded in 1973 by Dr. José A. Cárdenas and today is directed by Dr. María “Cuca” Robledo Montecel. It is an independent, non-profit organization dedicated to strengthening public schools so that they serve all children. Throughout its history, it has continually advocated for the right of every student to equality of educational opportunity. IDRA fulfills its mission through professional development,

research and evaluation, policy and leadership development, and the development of programs and materials. Its vision is “a vanguard leadership development and research team working with people to create self-renewing schools that value and empower all children, families and communities” (IDRA website, 2007).

The following policy issues are the mantra of IDRA’s longtime devotion to education reform: (1) school holding power, (2) fair funding for the common good, and (3) keeping the public in public education.

IDRA’s research has concentrated on the attrition and dropout rates in Texas to help schools increase their “holding power” and thus keep more students in school. IDRA advocates for partnerships with parents and schools to prevent unemployment, incarceration and impoverishment. Their constant directives for the enforcement of effective bilingual education policy and teacher preparation have been essential elements of their quest to improve the quality of education, especially for Latino children.

League of United Latin American Citizens (LULAC)

The League of United Latin American Citizens is the oldest and largest continuously active Latino political association in the United States; it was the first nationwide Mexican-American civil-rights organization. It was founded in 1929 as a result of a growing number of Texas Mexicans who rose to the middle class and not only resisted but rejected the racial discrimination that tried to so negatively impact their lives. The strength of the organization has historically been in Texas. A multi-

issue organization, it confronted political disfranchisement, racial segregation and racial discrimination.

LULAC has played a role in the formation of several important related organizations by providing support to such historical institutions as La Liga Pro-Defensa Escolar and the Little School of the 400, the model for the federal educational program Head Start. In 1964 LULAC helped start the SER-Jobs for Progress, Incorporated, the largest employment agency for Latinos in the United States. Later, LULAC members helped secure a grant from the Ford Foundation that started the Mexican American Legal Defense and Educational Fund. LULAC was heavily involved in school desegregation efforts that include the *Del Rio ISD v. Salvatierra*, (1931) and in 1948 LULAC was involved in the case of *Delgado v. Bastrop ISD*, which ended segregation in the public schools (Márquez, 1993).

LULAC awarded its first scholarship in 1932, and by 1974 it had established the LULAC National Educational Service Centers and a national scholarship fund. In 1990 LULAC members were involved in a case to redistribute state funds to colleges in South Texas.

The success and longevity of LULAC can also be attributed to effective communication. From 1931 through the 1970s it published the *LULAC News*, and before 1940 it sponsored the publications LULAC Notes, *El Defensor*, *Alma Latina*, and *El Paladin*, all in Texas (Orozco, 1993; García, 1989).

Currently, LULAC advances the economic condition, educational attainment, political influence, health and civil rights of Latinos through community-based

programs sponsored by more than 700 LULAC councils in the United States and Puerto Rico. LULAC involves and serves all Latino nationalities (LULAC website, 2007).

Texas Association of Bilingual Educators (TABE)

TABE was founded in 1972 in San Antonio, Texas, as an affiliate of the Texas State Teachers' Association (TSTA). It then registered itself as a non-profit organization and became an affiliate of the National Association of Bilingual Education (NABE) whose purpose is to provide a forum for leadership in bilingual education, to promote best instructional practices for speakers of languages other than English and to advocate for ELLs. Every year TABE holds a state-wide conference in one of Texas' major cities. An organization of future bilingual education teachers known as the Bilingual Education Student Organization (BESO) is active on campuses that offer bilingual education programs. In 2004, the TABE office moved to its current location on Callahan Drive in San Antonio where it currently has one full-time employee (MS Associates, 2004).

Over the years, TABE has worked with members of the Texas legislature to formulate public policy in the field of bilingual education. Through a balanced research-based program, professional development, and public education, TABE pursues the implementation of educational policies and effective bilingual-bicultural programs that promote equal educational opportunity and academic excellence for language minority students. TABE firmly believes that only enrichment (additive)

forms of bilingual education ensure that language minority students are successful academically and develop age-appropriate English proficiency. To this end, TABE fully endorses and promotes the implementation of research-based two-way/dual language programs and maintenance (late-exit) bilingual programs (TABE website, 2007).

Effective Networking for the Advancement of Bilingual Education (ENABLE)

ENABLE is the youngest organization within the Texas Coalition for Bilingual Education. It was started in 2005 by a group of bilingual education advocates in the Dallas area. Its strong supporters includes TCBE members Roberto Alonzo, Angel Noé González, and Rudy Rodríguez, as well as Gus Cedillo, Jim Crawford, Gilda Evans, José Angel Gutiérrez, Stephen Krashen, Liz Martin and William Pulte. A growing number of additional supporters are considered “Amigos de ENABLE.”

ENABLE works closely with teachers and parents of students in bilingual education programs to facilitate effective communication among educators, schools districts, community, and policy makers. Daily networking activities reflect ENABLE’s philosophy of sharing information about the success and benefits of strong bilingual education programs, particularly with respect to minority ELL students.

ENABLE understands that equitable bilingual education funding is critical at the Texas legislature. It had the vision to employ Jesse Romero as a legislative consultant to protect effective and additive bilingual education programs. ENABLE

continues to seek donations so that Romero can remain at the legislature and represent the interests of ELLs.

Texas Association of Chicanos in Higher Education (TACHE)

The Texas Association of Chicanos in Higher Education was established in 1974 by a group of Chicano faculty at the University of Texas at Austin with a grant funded by the National Education Task Force de la Raza, South West Regional office. TACHE's mission has four main goals: (1) educational advocacy to articulate the educational problems, needs and issues related to Latino/Chicanos in higher education, (2) networking to secure changes in law and policies that are detrimental to the Latino/Chicano constituencies, (3) recruitment and retention for effective institutional programs, and (4) cultural promotion of history and culture of Latinos. TACHE endorses best practices in higher education and tries to improve a workforce pipeline so that it mirrors the Texas population (TACHE's website).

TACHE is divided into seven regions throughout Texas each with a representative from either a community college or university. Consistent representation has been large from universities who have bilingual education programs including the University of Texas at San Antonio, the University of Houston, the University of Texas at Arlington, Texas Tech University, and Texas A&M University. Numerous community colleges that have ESL programs built into their curriculum are also well-represented in its membership.

Mexican American Legal and Education Defense Fund (MALDEF)

Founded in 1968 in San Antonio, Texas, the Mexican American Legal Defense and Educational Fund (MALDEF) is the leading nonprofit Latino litigation, advocacy and educational outreach institution in the United States (Oliveira, 1978). MALDEF is currently headquartered in Los Angeles and has regional offices in San Antonio, Chicago, Atlanta and Washington, D.C. With a thirty-five member board of directors, it also has satellite offices in Sacramento and Houston.

Pioneers including Pete Tijerina, Albert Peña, and Greg Luna are credited with the founding of this important litigation organization. They saw the need to establish an organization which would fight discrimination and inequities to serve Mexican Americans, in a manner similar to the NAACP's service to the African American community. They were successful in their application for funds from the Ford Foundation and this brought MALDEF to life. Since that time, MALDEF has maintained "precious legal and financial resources needed in the community to continue and expand the campaign against educational inequality" (San Miguel, 1987).

MALDEF achieves its mission by concentrating its efforts on the following areas: employment, education, immigration, political access, language and public resource equity issues. MALDEF achieves its objectives through advocacy, community education, collaboration with other groups and individuals, the awarding of higher education scholarships in law and, when necessary, through the legal system.

Through the years, MALDEF has been at the forefront of civil rights litigation, setting precedent in many cases. As a result of their victories, voting rights have been enforced and more equitable treatment in the workplace and in schools have come about. Through the skills and training taught in its parent leadership programs, MALDEF also provides parents with the knowledge and tools necessary to advocate for a quality education for their children (MALDEF website, 2007).

A Cast of Characters

Rodolfo (Rudy) Rodríguez, b. 1940: Pioneer in the Development of Bilingual Education Teacher Training Programs

Dr. Rodríguez, has been involved in developing curriculum as well as teaching language acquisition and the pedagogy of literacy for many years. He was a professor at Texas Women's University for over thirty years and currently teaches at the University of North Texas at Denton. His enduring vision for the establishment of teacher preparation programs for bilingual teachers has earned him the admiration and respect of his students, peers and others who have benefited from his efforts.

His longtime involvement with TABE and the collaboration that he has maintained with bilingual education professors and classroom teachers motivated him to write and produce a documentary about the history of bilingual education in Texas. "The Texas Bilingual Education Story: Celebrating Our Legacy" which explores

the history of bilingual education in Texas. This work was produced under the auspices of TABE.

The decision to make a video on this subject matter indicates the coalition's understanding that there needs to be portable, accessible information designed to reach not only the predictably anticipated audience of students who are preparing for a career as bilingual education instructors, but to the general public as well. It is anticipated that the video will be included in library collections, archives, other institutions and community groups.

Although grant writing is one of the skills that is critical for the implementation and survival of many programs, Rodríguez was one of the first who acquired this skill and used it to secure monies that were theoretically available to programs on an equal footing, but in fact, were only dispensed to those groups that could make it to the end of the grant-writing maze.

Rodríguez's efforts have been instrumental in securing federal monies for higher education, specifically for the certification and recruitment of bilingual education teachers. His collaborative efforts with current League of United Latin American Citizens (LULAC) President Héctor Flores, employed in the personnel office of the Dallas Independent School Districts, has resulted in the placement of hundreds of bilingual education teachers through both the traditional and alternative certification routes.

His political and diplomatic finesse has enabled him to work directly with State Representative Roberto Alonzo (D-Dallas) to secure funds needed to train and

certify bilingual education teachers and thereby ease the crisis brought about by the shortage of trained and certified teachers of bilingual education. As a direct result of his legislative coalescing efforts at the Texas State Legislature and as past President of Texas Association of Chicanos in Higher Education (TACHE), and the University of North Texas, Representative Alberto Alonzo sponsored the Bilingual Education and ESL Scholars Program, which secured funds to pay the tuition for bilingual education teachers. This effort was successful, as the program was attached to House Bill 1, General Appropriations Act which was passed in 2004 during the 78th Legislative Session in 2003.

Pete P. Gallego, b. 1961: A Latino Statesman

Gallego was elected to the House of Representatives in 1990, and in so doing, became the first Latino to represent the largest House district and the largest Texas – United States-Mexico border district which covers over half of the Texas-Mexico border. In 1991 he became not only the first freshman Representative but also the first ethnic minority to be elected Chair of the House Democratic Caucus.

His fluency in Spanish and English enables him to communicate directly with his electorate as well as participate fully in the legislative process. His political stature combined with his ability to effectively communicate in both languages position him to perform many tasks necessary to the effectiveness of the coalition while at the same time serving as an example of the broadened potential for influence that can be exercised by truly bilingual, educated individuals and organizations.

All of these elements came together on June 24, 2006 when Gallego delivered a radio address in Spanish via all of the Spanish-speaking radio stations across the nation. (Democrats org. 2006) In that address he reported that during the same week that the nation's Hispanic elected officials from all around the country were gathering, the reauthorization of the Voting Rights Act, set to expire in 2007, was being blocked by the Republican Congress and additionally, the Republican Party "resorted to partisan political games to stop an increase in the minimum wage; and also announced a new stage in their campaign to scapegoat Hispanic immigrants for political gain." (Ibid)

His colleagues unanimously elected Representative Gallego to serve as chair of the Mexican-American Legislative Caucus (MALC) in 2001, a position that he holds to the present. As a member of this group which has continually coalesced with members of the TCBE, Representative Gallego has taken the lead in following the MALC's historical trajectory in the struggle for education reform.

The significance of Representative Gallego's position parallels that of the MALC itself. MALC has played a role in developing and writing legislation including Bilingual Education House Bill 477 in 1981. As the "largest single voting bloc for social reform measures (<http://www.malc.org/>)," the MALC helped to end conservative attempts to alter comprehensive education reform embodied in House Bill 72 passed in the late 1980s—by mounting a strong challenge to the so-called English-only Movement. MALC later negotiated an agreement on the equalization of public school finance stimulated by the *Edgewood ISD v. Kirby* ruling (Orozco,

2006). Representative Gallego continues to fulfill the progressive MALC agenda while taking strong stands on behalf of his constituency.

Angel Noé González, b. 1929: Elder Statesman

González is an independent leader and community activist and an elder statesman in the advocacy for bilingual education policy and implementation. He is one of two individuals in this study who are members of TCBE but are not affiliated with a particular group. He possesses a committed spirit that permeates whatever activity or responsibility he undertakes. His former service as school district superintendent of Crystal City, Texas in addition to his wide experience in education at both the state and national level contribute to the breadth and depth of his understanding of bilingual education policy and its implementation.

He demonstrates his intense devotion to Texas ELLs through his active participation in the Texas Association of Bilingual Educators, the Bilingual/ESL Association of the Metroplex (BEAM), and the National Association of Bilingual Educators. He maintains a powerful presence through his effective networking skills with many TCBE members. His mentoring influence and guidance are evident in state meetings which concern bilingual education policy and implementation. He has also maintained a vigilant eye on bilingual education politics within the independent school districts in the Dallas Metroplex.

One of González's primary concerns continues to be the critical shortage of bilingual education teachers. He stated during a personal interview on May 10, 2006:

I think that we need to address the critical shortage of teachers in this state, have been after them all this time to provide funds for teacher education programs that will train teachers similar to Title 7, but it would be state funded. And unless we do that, it doesn't make any difference if you raised the .10 of funding for bilingual education to 2.5 or 4. That's just more money going into the general fund for the superintendents to spend as they please. Many of them cannot account for all of the spending of the over one hundred million that we get for bilingual education. So funding for me is at the very bottom of the priority list.

Roberto Alonzo, b. 1956: Grassroots Legislator

State Representative Alonzo made history in the early 1990's when he became the first Mexican American from North Texas to be elected to the Texas Legislature. He represents House District 104 which is located in southwest Dallas and includes the Latino- populated community of Oak Cliff.

Education has consistently been one of Representative Alonzo's legislative priorities. His earlier experience as a legislative aide for Carlos Trúan in the Texas Senate afforded him the opportunity to participate in crafting the legislation for bilingual education that Trúan introduced, namely H.B. 103 and S.B. 477. Today he continues to passionately advocate for bilingual education legislation and other issues that affect ELLs.

During the 78th Regular Session in 2003, Representative Alonzo was instrumental in securing the funding to set up the Alonzo Bilingual/ESL Education Scholars Program at the University of North Texas to provide tuition assistance and loan forgiveness as incentives for students to pursue bilingual education teaching certification. During the same legislative session in 2003, he secured much-needed

textbook funding for third and fifth-grade children enrolled in ESL classes (Alonzo website, 2006).

He continues to fiercely monitor the implementation of bilingual education in his district and studies any decisions or directives that affect it. His defense of bilingual education is clearly and explicitly stated in a letter sent to Dean Robert Patterson of the School of Education and Human Development at Southern Methodist University in Dallas, Texas, when the new School of Education was inaugurated in 2005. Alonzo's letter was in response to the fact that during the inauguration, there was no mention whatsoever of Bilingual Education as a program within the school:

This shift in focus and downgrading of bilingual education comes at a critical time when reliable demographic data and voluminous research statistics clearly show that 8,000 additional teachers are needed statewide at a minimum, and 2,000 in the Dallas area alone, to keep up with the current student population attending Texas schools (Letter sent to Dean Patterson, dated November 17, 2005).

Oscar Cárdenas, b. 1941: Ardent Believer in Successful Bilingual Education Programs

Cárdenas is a dedicated community activist who has focused his energy on advocacy for bilingual education. He has been involved in the political struggle, including the endless debates over implementation and configuration of bilingual education for over forty years. His experience while working in Washington D. C. for the Department of Education as a senior level executive, prepared him very well for his twenty-year tenure with the Texas Education Agency.

His reputation as an articulate and experienced expert in bilingual education made him a superb choice to co-author the "Texas Successful Schools Study" with Stan Seidner. The study was commissioned by past Commissioner of the Texas Education Agency, Mike Moses. He affirms that this study will "serve as a prototype to be adopted by school districts and will be the recipe for success for successful bilingual education programs (O. Cárdenas, personal interview, May 23, 2006).

"This study is a testimonial to the premise that all children can learn, as it points out in the essential features of the seven effective and quality bilingual education programs" (O. Cárdenas, personal interview, May 23, 2006). In the study the most significant difference in fifth grade academic performance between former ELL students in the seven study campuses and former ELL students in the cohort of external campuses was noted in the superior achievement of students who had been in the bilingual education program for five or six years. (Cárdenas & Seidner, 2001).

The study was a collaborative effort among the TEA, the Charles A. Dana Center at the University of Texas in Austin, the Texas A&M University-Corpus Christi, and the seven elementary school campuses comprising the study cohort of independent school districts which included Pharr-San Juan-Alamo, Socorro, Brownsville, Hidalgo, San Benito, and Roma.

"This report is refreshing to say the least, as it takes a measured, dispassionate, and scholarly look at a topic that arouses great passion among its opponents as well as supporters (Correiro, 2001)." However, in the interview, Cárdenas speaks with great passion and states that there is a need for significant

district-wide support for funding to provide the consistent professional development related to good school programs.

He is one of the coalition members who testified at the *U. S. v Texas* during the monitoring hearing in October 2006. He contributed first hand knowledge about the former monitoring program, District Evaluation and Compliance (DEC) and pointed out its superiority to the computer-driven monitoring program, Performance-Based Monitoring Analysis System (PBMAS), part of the federally mandated monitoring included in NCLB.

Héctor Flores, b. 1942: Crafting Leadership at the National Helm

Flores is past National President of the League of Latin American Citizens (LULAC), one of the foremost organizations that ardently advocates for equity in education, not only in Texas but throughout the United States of America, including Puerto Rico. Flores is a pioneer in bilingual education for the Dallas Independent School District because he established aggressive recruiting efforts to place bilingual teachers in the classroom.

He believes that “it does not matter where you start, advantaged or disadvantaged, it is what you envision for yourself and that is what you become” (H. Flores, personal interview, June 21, 2006). This positive philosophy has sustained him as he combats the low expectations and dismissive attitudes that are often directed at bilingual education students, and sometimes at the programs themselves. As an employee in the personnel department of the Dallas Independent School

District, Flores has been instrumental and effective in placing hundreds of teachers in quality bilingual education programs while being employed in the personnel department with the Dallas Independent School District.

His collaboration with politicians and educators in higher education who teach bilingual education courses, including coalition members Roberto Alonzo and Rudy Rodríguez has coalesced into a productive, theory-to-practice model that has benefited educators and students of all levels.

Leo Gómez, b. 1957: Advocate of Dual Language and Additive Bilingual Education

Gómez is a prominent professor in the College of Education at the University of Texas at Pan American in Edinburg, Texas. He recently completed his term as head of TABE. One of his major accomplishments in that role was to promote the organization and to present several leadership forums throughout the state of Texas. These meetings were entitled "Closing the Academic Achievement Gap of English Language Learners" and several of the members of the TCBE, including Noé Angel González and Viviana Hall, participated in the dialogues or were attendees at the meetings.

The meetings emphasized the importance of bilingual education policy and its implementation. The status of bilingual education in its various forms was discussed with particular attention given to the push, or more pointedly, threat, by some critics and legislators to replace dual language and two-way bilingual education with transitional bilingual education. Gómez is a vocal proponent of the dual language

model and works as a consultant to help educational institutions develop dual language programs.

Joe Bernal, b. 1927: A Living Bilingual Education Legacy

Bernal is an icon in the bilingual education political landscape. He co-authored House Bill 103, which in 1969 was the first bilingual education bill in Texas. For over 40 years, he has been engaged in *la lucha* (the struggle) for equity in education. With his first-hand experience as a former Texas State Senator and Representative, in 1978 he successfully published a dissertation at the University of Texas entitled “A Study of Bilingual Bicultural Education: Contrasting Influences on Texas Legislators with Results of an Attitudinal Survey of the Members of the 64th Legislature.”

His knowledge of the complex mechanics of bilingual education policy and legislation has made him highly competent and knowledgeable in this field which has only served to enhance his instructive leadership in TABE and NABE.

Furthermore, his outstanding contribution as a member of several years’ standing of the Texas State Board of Education has further advanced his position as a person with the multi-faceted expertise required defending and advocating for bilingual education.

Bernal is very effective in networking and coordinating the efforts of TCBE members as well as other actors in the bilingual education field. He helped the SBOE assemble national bilingual experts in 2006 to offer testimony on effective bilingual

education practices in an attempt to bring clarity to an area that has become increasingly controlled by political and financial interests. It was lost on no one that this event took place on the same day that the motion was filed in the *United States v. Texas* monitoring and compliance case at which Bernal himself later testified. His testimony supported MALDEF's arguments on behalf of the plaintiffs/interveners, LULAC and the American G.I. Forum. In doing so, he supported MALDEF's arguments on behalf of the plaintiffs/interveners, LULAC and the American G. I. Forum.

Angela Valenzuela, b. 1959: Coalescing "In Communion"

Angela Valenzuela, a native West Texan and a University of Stanford Ph.D. graduate, is one of the TCBE members who has made major contributions to many of the efforts that the coalition undertook. She is considered one of the most outstanding contemporary scholars in Latino educational policy. She has published books and articles, served as keynote speaker at major Latino education summit meetings, and lent her presence at major university symposiums and significant public events including court hearings and meetings about bilingual education and funding. She contributes authoritative and valuable testimony at education committee hearings at the Texas legislature whenever it is in session. She presently participates in international public education endeavors with Mexico.

Her outstanding scholarship, tenacity, community involvement, including chair of the Texas LULAC Education Committee were major factors in the successful

establishment of the Texas Center for Education Policy at the University of Texas at Austin. Texas LULAC had been working to inform members of the 2003 Texas Legislative Regular Session about the impact of their decisions on immigration, public school finance, bilingual education, vouchers, and accountability/assessment, as well as issues that dealt with civil rights.

Valenzuela asserts that even though the Texas Education Policy Center has plans to engage in a variety of research topics and investigational approaches that are of concern to center associates, she believes that “to research public education in Texas is to research Latinos. It is hand in glove. Being in Texas makes it de facto to work with poverty, children of color and civil rights issues “(A. Valenzuela, personal interview, March 21, 2007).

She believes that there are two major issues that confront Latinos in the public arena. She asserts that we are not connected to each other in any policy area and that scholarly professors in higher education are not connected to the community, legislators, or decision makers at local, state or international levels. “If we are busy and not connected, we are not going to be called to the table” (A. Valenzuela, personal interview, March 21, 2007).

Viviana Hall, b. 1965: A Global Visionary

Hall, a native of Colombia, South America, received her bilingual education teacher certification under the mentorship of William H. Pulte, Ph.D. at Southern Methodist University in Dallas, Texas. Her graduate studies at that institution

prepared her to be an articulate presenter at education conferences, partner with other educators to develop effective curricula and teaching methods and led to her involvement in numerous other activities throughout the Metroplex. Her well connected political and pedagogical influence has also made her a valued collaborator in educational activities outside the United States including work with the Department of Relaciones Exteriores in Mexico.

Her activism as an articulate and enthusiastic founder of the Effective Networking for the Advancement of Bilingual Education (ENABLE) has contributed to her rise to the top level of leadership with the organizations such as TABE and NABE that also advocate for effective bilingual education programs.

Her participation in the pro-immigrant march held in Dallas, Texas, on April 9, 2006, was motivated by her support of bilingual education and the Development, Relief, & Education for Alien Minors Act of 2005 (DREAM Act). Ever aware and respectful of the larger community, her commitment is to bring together parents and teachers in educational events designed with ELLs in mind. Her strong political identity has strengthened her conviction for the need to educate the Texas Legislature about the unfilled needs affecting bilingual education and ELLs.

ENABLE's bilingual web site has been a very successful instrument in the dissemination of information to coalescing partners including the Bilingual Education Association of the Metroplex (BEAM), LULAC, legislators, higher education, and immigrant activist groups.

*Jesse Romero, Legislative Consultant: A Foot in the Door That Many are Trying
Slam Shut*

As a legislative consultant for TABE, Romero's primary concern is sharing the advantages of meaningful bilingual education legislation and policy with members of the Texas state legislature. Romero and his wife, Ana Alicia Romero, a research assistant for IDRA, are the only married couple in this study. They seem to exemplify a seamless private and public life that stood as an ideal for many from the early Chicano movement and civil rights era - a couple united in love and purpose, both engaged in progressive work toward a larger vision. They're also proud parents. It is little wonder that they are admired by many.

Romero is well acquainted with "the system" and this knowledge leads him to state that it is not compatible with the goals that the TCBE works to achieve (Romero, personal interview, May 23, 2006). One of his major concerns is that many Latino students are considered "hard to educate" not because of any innate lack of intelligence, but because they are stricken by poverty and other socioeconomic problems, which for many also includes undereducated and undocumented parents.

Due to his experience, insight and knowledge of the politics that seems to affect even minor decisions made by members of the Texas Legislature, Romero speaks with credible authority when he observes that the State has gone completely to the right with a grip on almost every statewide office. He believes that current office holders are answering to voters who are particularly unsympathetic to the ELLs'

situation in particular and bilingual education in general because it has become a visible way to react to the “immigration mess.”

He ardently believes that many constituents who vote do not want equal education or opportunities for what are called Latino-populated schools, a situation that many Latino activists have dialogued about for the past century. He further verifies that privatization was brought to the fore with legislation that was passed with House Bill 1 in the 79th (1) Legislature in 2005. For example, he claims that this type of legislation has allowed private education companies such as Pearson to score the result of the Texas Assessment of Knowledge and Skills (TAKS) tests. Romero also gives kudos to Senators Leticia Van DePutte (D-San Antonio) and Judith Zafarrini (D-Laredo) for fighting to keeping the weights system for bilingual education. Romero woefully states:

Because what the state leadership has failed to fundamentally understand, even if you had them sitting here today, you are never going to convince them...well, hopefully we will over time, because that is what we are trying to do.....but what they do not understand is that the more English you have in courses for English Language Learners, the worse they perform.

Romero’s position as a well-informed authority on bilingual education recently landed his words on the front page of the San Antonio Express News in an article about the dual language model. Romero obviously has his work cut out for him, and, thankfully, he seems well cut—out for the work.

David Hinojosa: Our Renaissance Lawyer Brings a Respect for Research, a Love of Culture, and a Talent for the Law

Hinojosa, a young MALDEF staff attorney, is an expert in education litigation. He was the lead attorney in the Dallas segregation trial of 2006. Before the case was filed, families of Latino students who attended Preston Hollow Elementary School in Dallas, formed the Organización Para el Futuro de los Estudiantes (OFE), a not-for-profit organization, born of parents' concern for the way their children were treated. Through MALDEF's coalescing efforts with this parent group, a lawsuit against the Dallas Independent School District was filed. The suit claimed that that these children were being channeled and segregated into English as a Second Language (ESL) classes, in spite of the fact that the school had already determined that these particular Latino children were English proficient, and therefore not in need of bilingual education or ESL instruction.

Hinojosa contended, "We condemn efforts such as these for the sake of deterring white flight. We call on the superintendent and the Dallas School Board to swiftly end the segregation at Preston Hollow" (Rodríguez, 2006). The court ruled in MALDEF's favor.

Hinojosa also filed a motion under the continuing jurisdiction of the landmark case of *U. S. v Texas*, twenty-five years after the State promised the Texas Court to implement effective bilingual education programs for all English Language Learners. Said motion was filed on behalf of LULAC and the American G. I. Forum, seeking to

require Texas (TEA) to monitor, enforce and supervise the State's bilingual education/ESL programs for ELLs in Texas public schools.

Hinojosa (personal interview, May 23, 2006) believes that a “fear factor needs to be incorporated to show the State that Latino students have to be educated adequately and equitably because of the economic consequences in the area of increased costs for social services, criminal justice system and health care.”

One of the qualities that makes MALDEF such a helpful TCBE partner, and distinguishes Hinojosa from many other lawyers, is his commitment to keeping abreast of best-practices bilingual education research along with all the other information he must analyze and evaluate. “Research driven decisions are more often effective than decisions based solely on politics because politics disregards culture, language, and other important factors in learning” (D. Hinojosa, personal interview, May 23, 2006). He observes that most policy makers do not follow what research has to offer.

In areas of assessment and monitoring he notes that research helps explain whether a student's ability is being appropriately measured and monitored. He also strongly believes that to some extent, the efficacy of ESL programs are still under debate because there is no real enforcement of ESL at the secondary level and therefore the existing programs appear to de-skill and subtract essential language tools necessary for success. One of the youngest TCBE members, it is hoped that his contributions will continue to bring an intelligent, determined voice for ELLs into the courtroom and beyond for decades to come.

Shenteley Shepherd, b. 1962: An Education Equalizer

Shepherd is a Mexican immigrant who came to the United States in the seventies to improve her educational and economic standard of living. Once a school drop-out and now a Teacher of the Year, she made up her mind that she needed to become educated and to that end has completed undergraduate and graduate studies at University of Texas at El Paso and Southern Methodist University. She is currently employed as an elementary assistant principal in the Dallas Independent School District where she promotes effective implementation of bilingual programs on her campus; she is putting the philosophical goals of ENABLE into practice. She is aiding minority children reap the benefits provided by successful and effective bilingual education strategies.

Shepherd testified at the State Board of Education Committee of the Whole meeting in Austin on February 9, 2006. She presented a passionate yet practical plea in support of bilingual education and against of Structured English Immersion (SEI) programs. She shows an admirable willingness meet the challenges – or some would say roadblocks- which are placed in front of advocates of the “best practices” in bilingual education.

Ana Alicia Romero: Coalition Creator

Romero is an education assistant with the Intercultural Development and Research Association (IDRA). She assists on public policy analysis in the area of education. Proficient in both English and Spanish, she has a tenacious compassion for

education equity in Texas, especially for ELLs. Her ample legislative experience during the Special Sessions of the Texas Legislature in 2004-2006 provided her with the expertise necessary to form crucial opinions about the funding for bilingual education. She believes that her opportunity to coalesce with other bilingual education advocates at the Texas Legislature, especially TCBE members, has created the belief that many of the persons in position of power demonstrated what she terms "a transparency of priorities" in terms of the funding for bilingual education. She is also credited for the creation of the Texas Latino Education Coalition (TLEC) which was strategically formed to promote fair funding for Latino students in the public schools in Texas.

Albert Cortéz b. 1948: Fighting Injustice with Access to Information

Cortéz and the Intercultural Development Research Association (IDRA) are usually mentioned in the same breath. The organization emerged in 1973 as the only entity in the state of Texas that was dedicated exclusively to the reform of the public school finance system. It provided state agencies and others with extensive and intelligible research and narratives on the need for reform. IDRA prepared and distributed materials which sought to awaken legislators, government officials, and the general public to the inequities of school funding formulas and how the need for reform and how what could be seen as dry policy and legislation can adversely affect children's educational opportunities.

Cortéz has been Director of Policy at the Intercultural Development Research Association for many years. His expertise is called upon by legislative caucuses on education-related issues. His role in conducting pioneering research in the areas of assessment and immigrant education have helped clarify best practices for language assessment and acquisition including dual language programs for ELLs.

In the past, when changes in assessment procedure or exit criteria come up, Cortez's mantra is that perhaps it is best not to "mess with the existing legislation because revisions may not have the same plan. There is an opportunity for losing ground and it is not worth it, such as states as California and Colorado"(personal interview, May 18, 2006).

He is also concerned that the passion for reform has been lost in the legislature particularly when compared to the Truán/Bernal era. He attributes this erosion to the fact that in the past, bilingual education was a topic that was tied to discrimination, which is to say that most people were more aware of the civil rights struggle and were more able to recognize unequal educational opportunities as a facet of discriminatory practices. A "larger historical awareness of what it took to create what was created" is missing presently. (A. Cortéz, personal interview, May 18, 2006). He also cites the complexities of the problems with school finance, TEA policy and other educational regulations as challenges to a education reform becoming a more widely discussed topic among non-experts, particularly families of school children.

Nonmember Support Organizations

The following six organizations are not listed as members of TCBE, but their support of the individuals and members in the coalition can not be underestimated. The ‘weaker-ties’ designation is taken from Grovetter’s (1973)(1983) work on relationships. Since his initial article in 1973, there has been much controversy over the actual effect of strong and weak ties. Nevertheless, the concept serves this dissertation in allowing relevant information about these organizations that primarily focus on Latino issues to be presented.

I did not formally interview any principal characters in these organizations but have nevertheless acquired a wealth of information through hundreds of conversations and personal participation in these groups over the years. It was through my own hands-on learning trajectory I learned the inner-workings of these organizations and was aware of the inter-connectedness they had with one another and with TCBE members. I was also aware of the skills the groups had acquired through their years of advocacy and activism in their respective arenas.

I have been a member for many years in TAMAC and American G.I. Forum. I was one of the founders of the San Angelo TAMAC chapter in 1987. I was state secretary with the Junior GI Forum which was open to non-veterans. I have done work affiliated with the Southwest Voter Registration Project, particularly in disseminating information about the critical single-member district issue of the 1970s and 1980s.

LULAC's Texas Legislative Council was housed at the ACLU office in Austin partly due to the fact that some of the founding members were also ACLU employees. I established contact with NALEO, through a long-distance association that focused on naturalization and citizenship issues that I confronted as a paralegal working with immigrant populations. Their promotion of programs that would facilitate the process of naturalization was a common interest. I attended their conventions and they would apprise me of recent developments of their lobbying efforts with the then Immigration and Naturalization Service (INS) through phone calls and other communication.

I was very well acquainted with the criminal justice system because of my work as a practicing paralegal that had a wide criminal practice. My association with Ana Correa when we were both doctoral students at UT- Austin and founding members of the Texas Legislative LULAC Council, and so I was aware of her gradual movement towards her present position as TCJC.

American G. I. Forum (AGIF)

Dr. Hector P. Garcia officially founded the American G. I. Forum (AGIF) in 1948. Its motto, "Education is Our Freedom and Freedom Should Be Everybody's Business," reflects its core values of patriotism and progress. It is a civil rights organization which was initially devoted to securing equal rights for Mexican American Veterans of World War II due to the failure of the government to deliver

earned benefits provided by the G.I. Bill of Rights. The agency which did not do its job, was the one supposedly devoted to the welfare of veterans, the Veterans Administration.

Dr. García, with the coalescing efforts of the already established LULAC organization, mobilized the efforts in South Texas to bring about justice when the funeral home in Three Rivers Texas refused to accept for burial the body of Felix Longoria, a World War II Veteran, “because he was a Mexican” (Carroll, 2003).

The AGIF started coalescing with LULAC as early as 1954 when the *Hernández v. State of Texas* case was successfully argued before the Supreme Court granting Mexican American children in segregated schools rights guaranteed under the Fourteenth Amendment. G. I. Forumeers were able to learn skills and that enabled them to participate in political campaigns, even though they have been prohibited from endorsing political candidates. Some of the important issues that this group has focused on include voter registration, police brutality, scholarship and back- to-school drives as well as advocacy for migrant workers. All of these issues are tied to the struggle for an improvement in the socioeconomic and educational landscape for Latinos (García, 1977; Allsup, 1982).

Southwest Voter Registration and Educational Project (SVREP)

William C. Velásquez founded the Southwest Voter Registration and Education Project (SVREP) in 1974. His close ties to the Mexican American Youth Organization (MAYO), the predecessor to the *Raza Unida* Movement, inspired him

to work to stimulate effective Latino participation in the electoral process and thereby bring about greater representation and focus on issues that impact Latino. SVREP's mission to educate the Latino community across the Southwest about the democratic process has produced a huge network of political and civic leaders, significant research, data collection capacity and a proven track record of voting rights litigation. Velásquez understood that redistricting and reapportionment challenges were part of this effort as was reaching out to a historically disenfranchised group of voters who had previously been deprived of their constitutionally guaranteed rights.

SVREP's initiative in the redistricting efforts led to MALDEF's lawsuit against the State of Texas (*G. I. Forum of Texas, et al v. Rick Perry, et al.*, 2006.). MALDEF represented the AGIF and individual voters in the case. Ana Yañez-Correa, the director of the Criminal Justice Coalition in Texas was one of the many plaintiffs in the appeal.

This lawsuit alleged that the redistricting plan in place violated the Voting Rights Act because it removed Latino voters from a congressional district to prevent them from ousting the incumbent who was not the favored candidate of the Latino voters. This type of manipulative maneuver of drawing districts to dilute the voting power of a historically disenfranchised group undermines that group's ability to elect the candidate of their choice, SVREP's stability, networking capacities, community visibility and focused agenda makes it an invaluable resource for TCBE. As immigrant populations become citizens and are able to exercise their right to vote, SVREP will make sure they are not forgotten.

American Civil Liberties Union (ACLU)

The American Civil Liberties Union, known as the guardian of liberty, defends and works for social justice, particularly in underrepresented communities and in matters of unpopular, but what it considers to be constitutionally defensible, issues.

ACLU partners with many other organizations. Their coalescing efforts with MALDEF, TABE, TRUST (Texas Residents United for a Stronger Texas), TAMAAC (Texas Association of Mexican American Chambers of Commerce) and LULAC have been welcomed by these organizations.

Although often controversial, ACLU has financial support that is nowhere to be seen within the Latino civil rights community. Its weak-ties position with respect to TCBE belies the impact of the support it provides in terms of research, manpower, experience and influence.

National Association for Latino Elected Officials (NALEO)

NALEO, the nation's premier civic organizations for elected Latino officials was founded in 1976 by Edward Roybal, former California Congressman who served as its president until 1993. Presently, the national office is headquartered in Los Angeles under the executive direction of Arturo Vargas. One of its several regional offices is in Houston, Texas. NALEO plans strategies for policy issues such as immigration reform, sustainable communities, and education leadership. The organization holds annual conferences in which symposia are presented on topics

including education, immigration, economic wealth building and empowerment in the Latino community. It recognizes the necessity of closing the education gap from early education through the dismal numbers of Latino students who enter and complete their college education as vital to the community's progress and stability.

To these ends, it shares information and research with TABE and TACHE. It supports LULAC in its effort to block an increase in naturalization fees, because this presents yet another roadblock to legal resident aliens who wish to become citizens and acquire political clout. It also shares information with MALC; in particular, it proposes policy to MALC as the elected Latino officials in Texas.

The Texas Criminal Justice Coalition (TCJC)

This organization was founded about six years ago through the efforts of unpaid volunteers who saw a need for reform in law enforcement practices that affect public safety and human and civil rights. Pro-Tex: Network for a Progressive Texas was organized in 1999 with the mission of seeking change in the criminal justice system. This group of advocates was a "background participant" and did not speak for partner organizations but instead would convene and facilitate the advocacy efforts for those partners (TCJC website). Such strategic decisions were with the intention of building the capacity of existing organizations.

Finally, the TCJC took over the 501 (c) (3) of the Pro-Texas and formed its own independent unit with a full staff. Ana Correa-Yañez is the current director. Its effective skill sets and collaborative relationships with ACLU among other

organizations, aid in their determination to end racial profiling, bring about equality in the Texas criminal justice system, regardless of wealth. This a particularly important point for Latinos and other minorities since it has been shown over and over that indigent persons accused of a crime do not necessarily receive competent legal representation. TCJC also seeks equity and justice in sentencing patterns and incarcerations with the goals of promoting rehabilitation, reducing recidivism, and treating underlying problems including drug addiction.

TCJC recognizes that community and civic participation are vital to immigrants in every step of their lives in the United States. The TCJC has started a University Leadership Initiative (ULI) that has a team composed of mostly female, immigrant low-income students enrolled in university throughout Texas. The curriculum is developed by TCJC and includes theories of social change, as well as successful educational strategies.

This group was a “background participant” and did not speak for partner organizations but instead would convene and facilitate the advocacy efforts for those partners. Such strategic decisions were with the intention of building the capacity of existing organizations and keeping ever-present the tragic consequences and human suffering often brought about by inferior education and limited opportunities.

The Texas Association of Mexican American Chambers of Commerce (TAMACC)

This organization was founded in 1975 by Hispanic small business owners through the efforts of the Office of Minority Business Enterprise (OMBE).

TAMACC has steadily grown and has focused on promoting business leadership, creating entrepreneurial opportunities and providing legislative and business advocacy for Latino business communities.

Legislative advocacy is one of the strong goals of this organization. With a lobbyist on its staff, TAMACC identifies issues that impact Latino businesses in Texas and strives to affect change through its advocacy efforts. A legislative action day is scheduled during each regular legislative session to discuss policy and to network with state senators and representatives.

TAMACC has lobbyists who promote its member businesses in efforts to secure contracts from entities including TEA. Certainly certain jobs that are contracted out by TEA including scoring tests and development of some tests would be different with cultural and intellectual input from the Latino community.

TAMACC also networks with decision makers in higher education to promote the use of Historically Underutilized Businesses (HUBs) in the contracts that they hand out.

A number of TCBE members including Rudy Rodriguez, Roberto Alonzo, Pete Gallego, and Hector Flores, attend TAMACC meetings as representatives of their organizations and likewise, TAMACC sends representatives to attend the meetings of other connected organizations. The information sharing, entrepreneurial skills, and wealth empowerment strategies provided by TAMACC contributes much-needed support in areas that might otherwise be missing from the TCBE landscape.

Eye Witness to Coalition Members in Action

With the Honorable William Wayne Justice presiding, I was able to observe the mighty coalescing force on October 23, 2006, at the Travis County Courthouse when the Court convened after MALDEF filed a “Motion for Further Relief” in the *U. S. v. Texas* claiming that in 1998 the District Effectiveness and Compliance Division (DEC) had failed to follow its own auditing responsibilities and that a total of 852 districts had not been audited (Texas State Auditor’s Office, Rep. No. 98-021 at 5-6 (Feb. 1998). In March of 2002, more than 400 school districts had not been monitored and the TEA had eliminated the three-year monitoring cycle without seeking a change in the order of the pending court (Texas State Auditor’s Office, Rep. No. 02-030 (March 2002).

Several members of the TCBE were present. David Hinojosa, lead attorney for MALDEF, valiantly shined the spotlight of truth on TEA’s failure to comply with the *US. v. Texas* court-ordered mandate to monitor bilingual education programs. Hinojosa was assisted by MALDEF staff attorney, Diego Bernal. Another team member, Roger L. Rice, was lead attorney for the Multicultural, Education, Training, and Advocacy, Inc. (META), a coalescing organization which partners with MALDEF in major civil rights cases. Rice made significant contributions to the case; he was assisted by Jane E. López.

TCBE member Oscar Cárdenas, offered testimony on behalf of LULAC and the American G. I. Forum, plaintiff/ interveners. Cárdenas shared his expertise as a former Bilingual Educator Director at TEA to explain the value of the District

Evaluation and Compliance monitoring process in use during his tenure. He testified that he had dispatched monitors to classrooms, community meetings, and session with school administrators. This provided a stark contrast to the performance-based monitoring model presently in use. Cárdenas reminded the Court that in the past up to fifteen people were employed in the TEA office of Bilingual Education and which at present consists of less than five individuals.

Joe Bernal explained that with a single vote, the legislature can derail a library of recommendations from the Texas State Board of Education (SBOE) and other essentially advisory entities. This is evidenced in the following exchange:

Rice (attorney for META): “Did the commissioner have to seek the approval of the board of education when they got rid of the on-site monitoring in 2003-2004, 2004-2005? Did they come before you and say, “We’re not going to do on-site monitoring anymore. We want your blessing to do that?”

Joe Bernal: No, it was a legislative matter. The legislature did it. And it went without a whimper, you know, because we were not made aware, as far as the board was concerned, that one, this was being considered and secondly, that it had finally been-finally been taken away from us...

Rice: Now specifically, with regard to bilingual education and ESL programs, do you, as a board, pass rules and regulations to implement those programs?

Joe Bernal: At one time we had oversight over all the programs. And that oversight has been taken away from us legislatively and given to the commission and to the agency [TEA]. (Court transcript, *U. S. v. Texas*, Oct. 24, 2006).

Delia Pompa, past executive director of NABE and current Vice President for the National Council of La Raza (NCLR) offered expert testimony. She asserted that Texas is not securing or ensuring equal education opportunities for ELLs with the following testimony:

There were two things. First were the structural shortcomings in the current monitoring system that I don't think give enough data to the state to be able to make decisions about whether children are receiving an actually, specifically limited English proficient children are receiving an equal education opportunity. And then I think the second thing that formed that opinion was in reviewing the data. I looked at the fact that, as implemented, this program that isn't being monitored well isn't function to secure that equal opportunity. And I would say the evidence of that is the data that I reviewed from the Texas Education Agency. (Court transcript, *U/ S. v. Texas*, Oct. 23, 2006)

Both Marcelo Tafoya, District Director for LULAC District 7, representing LULAC and Dr. C. P. García, American G. I. Forum Commander, representing the American G. I. Forum, represented the plaintiff interveners. TCBE members Viviana Hall, Angela Valenzuela and Angel Noé González also lent support by their presence at the hearing.

Let's Do *Lonche*

During the last special sessions of the State Legislature, several coalition members coalesced on a daily basis. Members of IDRA, MALDEF, TABE, and higher education coalition members would get together for lunch and review the bills that had been approved for presentation by the Public Education Committee, with the purpose of deciding what would be the most effective manner to deal with each specific bill. Members contributed their particular expertise and opinions in a way that would help build the strongest argument for or against the bill under consideration. They felt like a coalesced group working together, and while perhaps not speaking as one voice, they would end their conversations on the same page (A. Romero, personal interview, May 23, 2006).

Lest we forget, along with these advocates you would be just as likely to find representatives from the Public Policy Foundation, English First and Linda Chavez's organization, the Washington-based Center for Equal Opportunity which opposes even transitional bilingual education and pushes English immersion (Bernstein, 1998). Hopefully, they weren't coalescing.

The Coalition's Goals

The coalition's work is never done. Even moments of victory demand a wary eye because the odds are that the next threat to bilingual education is just around the legislative corner. Here is the latest:

This legislative session, (2007), Representative Bill Zedler, (R-Arlington), has also filed a bill that would do away with requiring bilingual education. On the other side, Representative Roberto Alonzo, (D-Dallas), filed a bill suggesting more scholarships for bilingual education teachers in training, and Senator Eliot Shapleigh, (D-El Paso), sponsored a bill promoting the Farmers Branch. (Unmuth, 2007).

Representative Alonzo, Professor Rodríguez in higher education, Hall and Shepherd from ENABLE, and activist González reside in the greater North Texas area, an area that has recently been assaulted by an anti-immigration ordinance enacted by the City Council of Farmers Branch, Texas. In April 2006 the Dallas community held of the nation's most successful pro-immigrant marches and many of the undocumented and ESL students in the public schools participated in walkouts. Gustavo Jiménez, the well-known teen who is now a senior at Duncanville High School who was responsible for rallying students to walk out calls this effort "a yearlong baptism into the divisive debate over illegal immigration" (Solís, 2007). In

late 2006, a judge ruled in favor of MALDEF over the case that involve the structuring of classes of an elementary school campus in the Dallas Independent School District whereby classes containing predominately ESL and bilingual children were not being integrated with classes containing predominately Anglo children for core curriculum, and, with few exceptions, for non-core curriculum (MALDEF, 2006).

Structured English Immersion (SEI) as proposed by Representative Linda Harper-Brown from Irving, Texas would be a huge step backward. Texas lawfully requires bilingual education. We were liberated from the No Spanish Rule of 1918 after a long and bitter legislative battle to enact HB 103, fifty one years later. Therefore, TCBE members and many other bilingual education supporters vigilantly have kept watch over Chapter 29 of the Texas Education Code and the Commissioner's Rules in Chapter 89, which eventually was institutionalized as law in 1981 with SB 477.

Harper-Brown proposed SEI to the Irving school board. Superintendent Jack Shipley denied the request until she was able to prove its effectiveness with research. After all, isn't NCLB all about "scientifically-based research?" My education and research, as well as the research of scholars I respect and trust, conclude that SEI is not an option to improve test scores or to increase the school-holding power of Latino students required to lower the drop-out rate.

It seems that the Texas Legislature is considering a pilot English immersion program in spite of the fact that parents presently have the right to opt-out of bilingual education for their children and have them assigned in regular classes.

Total immersion is not bilingual education and should not be considered a “replacement.” Harper-Brown, Chair of the Texas Conservative Coalition Research Institute is on a tirade. The denial of birthright citizenship and important social services including health care, as well as the restrictive drivers’ license policies have all been lumped with the language issue. Harper-Brown has publicly speculated on the possibility of reversing *Pylar v. Doe* (1982) which granted public education to undocumented students in Texas.

CHAPTER 6

SUMMARY, RESEARCH FINDINGS AND IMPLICATIONS FOR BILINGUAL
EDUCATION POLICY IN TEXAS

Introduction

I am particularly committed to presenting findings and implications that can be of use in the real world. Some coalition members, retired from conventional jobs, continue to spend their entire lives en *la lucha*. Some young members bring new, emerging professional expertise and perspectives that must be nurtured and appreciated. I feel particularly respectful and grateful to the TCBE members I interviewed and make sure that their efforts and contributions are not simply measured by whether or not the coalition achieved their stated objectives during this dissertation's time-frame time. I also want these findings to contribute to the efforts of members of other groups and organizations, who have participated in the effort to positively affect bilingual education policy and the population it serves.

I also hope that the complexity of bringing about change or even maintaining the status quo in this area has become evident. Bilingual education policy and practice are presently under the threat of a Latino backlash, and that is inexorably bound to heavily funded anti-immigration forces that have never felt the need to fight fairly and it does not appear that they are about to start now.

My Personal Journey Revisited

I have academically revisited my own life journey while writing this dissertation about the history of bilingual education policy in Texas. Through this process, I have grown to understand why I have always had to negotiate the use of English and Spanish. In the introduction to this dissertation, I indicated that I had to define my own concept of bilingual education when I had first entered a segregated school. Acquiring that definition meant that I had to learn English or I would not be successful. Unaware of the theories by which a monolingual child learns a second language, I have learned how the theories of BICS (Basic Interpersonal Communication Skills), CALP (Cognitive Academic Language Proficiency) and CUP (Common Underlying Proficiency) were necessary for me and my classmates to succeed in a classroom devoid of bilingual education instruction.

The cultural deprivation theory (Valencia, 1987) practiced in that school environment and endured by many of my Spanish-speaking classmates, contributed to their lack of success and eventually ending in an illiterate condition which led to crime and other dysfunctional ways of life. However, many of us who were able to be academically successful were able to recognize that we could embrace two languages and cultures to enhance our ways of knowing and living.

When I made the decision to find out about the impact of the sociopolitical contextual factors that had impacted bilingual education policy in Texas, I knew that I not only had to investigate policy but that I needed to research its origins, how or why it had not changed, and what we had to do to preserve what we presently had.

Not having been employed by the Texas public school system for several decades, I was ready to investigate and learn about bilingual education, implementation, pedagogy, and most particularly funding. I was not even familiar with the terms “LEP” or “ELL” assigned to students who studied bilingually in the public schools.

Connecting the Dots

When I became a teacher, I was unaware of the theoretical and financial battles that took place outside the classroom even though they impacted not only the classroom, but even my lesson plans. These experiences form an important part of my understanding the findings of this dissertation and the work that lies ahead. I am trying to be the doctoral candidate I must be, and still make a journey that expands who I am rather than one that turns into a process of cut, paste and delete.

When HB 103 was enacted in 1969 in Texas, I had no idea of what it was or what it meant. No one discussed it at school or at home. I was teaching ninth grade Spanish and English in the Lubbock Independent School District. I was definitely functioning as a bilingual teacher because I was teaching English to students whose native language was Spanish. As mentioned earlier in this dissertation, I was using several strategies that are currently taught as bilingual education pedagogy.

Through this dissertation process, I have learned the critical role that legislation plays in what happens in the classroom. I understand that the legislature, still predominately comprised of Anglo males, crafts legislation, often suggested by their influential and deep-pocketed constituents that does not necessarily serve the

common good, much less an under-represented, under-funded, under-educated economically deprived minority within a minority – the ELLs.

My interest in education was renewed at the beginning of this century, I chose to complete my graduate studies in a field that, although it had swirled around me all my life, was academically unknown to me. Theoretically I knew nothing about bilingual education, except the limited and possibly inaccurate information I had read in the newspapers or learned from conversations with teacher friends. None of my children had been schooled in a bilingual setting but their Spanish was fluent because we spoke Spanish at home.

Now, considerably more politically aware than I had been several decades ago, I was intrigued by the legislative history of Texas bilingual education as expertly narrated by Guadalupe San Miguel in his seminal work in *Let All of Them Take Heed: Mexican Americans and the Campaign for Educational Equity in Texas, 1910-1981*.

I had taken an introductory class in public policy at the LBJ School of Public Affairs in a preparation for what I thought would be my only opportunity to spend limited time observing the Texas Legislature during the 2003 regular session. As the oldest student, and the only one of Mexican American descent, I struggled to connect theory with the world as I knew it. McCool's (1995) theories on conflict and choice in policy theory made me aware that I needed a better understanding of how bills such as HB 103 had been enacted, and particularly how bilingual education from 6th through 12th grade had been omitted. Sabatier's (1999) frameworks focusing on

policy changes over fairly long periods or “stasis, rather than crisis” sharpened my critical thinking when I discovered that although many bilingual education bills were submitted to the public education committee, few ever made it out of committee. When I studied Theodoulou and Cahn (1995), with its focus on characters and roles, I was convinced that I wanted to know how the policy game was played.

Later, as a student in Valenzuela’s class, Texas Latino Educational Policy, I continued to put pieces of the policy puzzle together and ultimately chose to research bilingual education policy. I decided that the TCBE would be an important component of my dissertation investigation.

I came to realize that my language experiences parallel the current immigrant English Language Learner but that took place in another century which raged with segregation and racism. For the past twenty years, I knew that being bilingual was an economic necessity in my work as an entrepreneur, and was particularly helpful in the field of media. It was also critical during the twenty years I had worked with immigrant communities in the arena of immigration and naturalization. My own expanded opportunities as a bilingual person made me wonder why bilingual education was not offered through a child’s education, from Grade 1 through Grade 12.

I was amazed when I discovered that bilingual education had not changed much since its last major amendment in 1981-84 with SB 477. I was naïve in thinking that it should be easy to submit and pass bills to create the laws that would provide equitable education for ELLs. I particularly did not understand how bilingual

education classes were funded at the local level and this motivated me to devote a dissertation chapter to public school finance and its impact on bilingual education. I had heard of the Edgewood cases and particularly looked forward to reading the primary source court cases, hardly an endeavor I would have found time for outside doctoral-student life.

Summary

The purpose of this chapter is to provide a brief summation of my research study, to explain the important findings and to present what I consider to be major implications to this investigation, as well as to offer hopefully useful, real world suggestions that my work on this dissertation has led me to believe could contribute to a brighter and more fully-educated future for ELLs.

The enrollment of ELLs continues to rapidly increase in Texas, as well as all over the United States, reflecting changing student demographics (Texas Data Center, 2002). The academic achievement of ELLs rests on the improvement and the effectiveness of bilingual education policy and its implementation. This new millennium has brought new developments in research, legislative activity, community activism and political development in a context of growing concerns. For this reason, I decided to do a qualitative study to find out how the ELL challenge fared from a legislative and socio-political perspective. I decided to follow a group of Latino leaders who were significant members of organizations that had formed the Texas Coalition for Bilingual Education in 2004 .They shared concerns similar to my

own. I selected fifteen individuals who represented premier organizations in Texas Latino history and its struggle for educational equity.

My research data was gathered through recorded in-depth interviews with these individuals which I conducted as well as informal conversations. I attended trials, meetings, and other events. Additional information was gleaned from videos, archived records, documents, audio web casts, and court transcripts which contributed to my understanding of the status of bilingual education policy in Texas as well as the personal and cultural aspects of my subjects' roles and strategies in the TCBE. The fact that I had been an active member in one critical coalition partner, LULAC for my entire adult life and had had contact with all of the 'weak-ties' organizations contributed to the reciprocity (Wax, 1971) (Patton, 1987) of many of my interactions. I knew many coalition members personally and respected their leadership through decades of struggle.

In seeking to elucidate and analyze the sociopolitical contextual factors that impact the commitment to bilingual education programs in Texas, I included the historical social realities of segregation and hegemony that have impacted Texas Latinos. I used the frameworks of San Miguel (1987), Blanton (2004) and Vega (1983) to address the history of bilingual education and the considerations of litigation, legislation, and the changing political climate. The inclusion of the coverage of three distinct time periods, namely, the "Bilingual Tradition Era," the "English-only Education Era," and the "Modern Bilingual Education Era," highlighted impacting events and attitudes of the times.

This case study was followed in a constructivist/interpretive paradigm because of the liberty provided to the researcher of perceiving knowledge as the basis for my own knowledge and ways of knowing (Crotty, 1998). The interpretive point of view was essential in order for me to most productively analyze all of the research data (Denzin & Lincoln, 2000). This interpretive framework consisted of my own epistemology and ontology that guided my research. Critical race theory was considered as alternative paradigms to explain ontology derived from a historical racism that is shaped by a social, political, cultural, economic, and ethnic perspective (Noboa, 2003).

As a case study in coalition building, I discovered the roles, strategies and coalescing partnerships within the TCBE. Their capacity building was effective in promoting and defending bilingual education policy and the serious issues, including the monitoring of bilingual education programs, in the face of substantiated civil rights violations, growing anti-immigrant sentiment and a politicized atmosphere within the legislative activity of two regular Texas Legislatures, the 78th regular and four special sessions (2003) and 79th regular and three special sessions (2005).

Public school finance and its impact on bilingual education are briefly presented within the history of ELL funding and policy within the context of the larger Texas public education funding landscape. The elements of language acquisition as a civil right, the growing demands of the federal No Child Left Behind (NCLB) mandate, the overlapping concepts of “equity” and “adequacy,” a funding

weight that has never been increased since its initial introduction, and scarcity of trained bilingual teachers are factors that adversely impact bilingual education.

The purpose of this chapter is to identify some of the major findings that were discovered within the narratives of my subjects as well as information garnered from the 'weak-ties organizations. The narratives from the members of the TCBE reflected how they have had to struggle with the sociopolitical contextual factors as they have played their roles and exercised their strategies in promoting and defending bilingual education policy. As the summary of the findings is reviewed, I identify implications of these findings and how they affect the achievement gap.

Research Findings and Implications

The research questions selected for this study were designed around the sociopolitical contextual factors that have impacted bilingual education policy, legislation, funding and implementation, with particular focus on the immigrant English Language Learner (ELL) population. I was particularly interested in how these organizations worked together and what kinds of strategies were effective.

I studied coalition building with a focus on fifteen members of the Texas Coalition for Bilingual Education, (TCBE), which contains seven premier Latino organizations in Texas, MALDEF, MALC, TABE, LULAC, ENABLE, TACHE and IDRA. Independent community activists and a legislative consultant also belong to the coalition. Their roles, strategies and coalescing partnerships within this coalition were effective in promoting and defending bilingual education policy, legislation,

funding and implementation, including monitoring, in the face of substantiated civil rights violations, a growing anti-immigration sentiment and a politicized legislative atmosphere.

TCBE was organized in 2004, which marks the time I began to study it and my interest and observation continue through the present. During this time, the coalition's major principled objectives were not completely realized, but this in no way reflects on the coalescing flexibility of its members. In fact, in pursuit of these goals, coalition members and groups fulfilled all four roles for activists in social movements described by Moyer (2001) and most played multiple roles. It would be just as accurate to categorize each of the following individuals in at least one of the other four designated roles.

Citizen: Joe Bernal aided the SBOE to assemble witnesses for a significant public meeting about bilingual education practices.

Rebel: Viviana Hall mobilized protest marches in support of immigrants and their rights.

Reformer: David Hinojosa of MALDEF played a major role in the recent filing of the Motion for Further Relief in *U.S. v. Texas* (Civil Action No. 6: 71-CV-5281) which focused on monitoring of bilingual programs. A decision is pending.

Change Agent: Jesse Romero, in his role as TABE's legislative consultant, works to keep the best of bilingual education policy and practice in the forefront of legislators' priorities.

Now, let us take a brief look at the coalition's three major principled objectives and their status.

Funding Equity

After one regular and four special legislative sessions from 2004 to 2006, the “weight” for bilingual education remained at .10. It was first set in 1984 and since then the weight has neither been increased nor decreased.

Albert Cortez from IDRA analyzed every one of the Special Sessions that dealt with public school finance funding, with a particular focus on ELLs. He analyzed the current funding formulas and consistently pointed out their inadequacy. His combined skills of research, advocacy and broad knowledge made his efforts accessible to the general population.

David Hinojosa of MALDEF successfully argued *The West Orange- Cove Consolidated ISD, et al. v. Shirley Neeley, et al.* (No. GV-100528) on behalf of the plaintiff interveners which represented all of the Edgewood interveners, consisting of almost thirty districts. Judge John Dietz declared that the funding system in place was unconstitutional. LULAC was also a plaintiff intervener.

Numerous groups from the Coalition including TABE, ENABLE, and TACHE lobbied for more equitable funding for ELLs. Gómez used the platform of his leadership sessions to get the word out about funding issues for ELLs.

The Texas legislature convened four special sessions and one regular session during the time period covered by this dissertation. During every session not only

were efforts to increase funding for bilingual education rejected, but there were attacks on what was already in place for these programs, their implementation and monitoring. Therefore, from a tactical point of view, the objective of the coalition had to move from attempts to increase funding, to protecting the funding that was already allotted. This shift necessitated a change in strategy. Skills of diplomacy, including strategic alignment and coordination of limited resources, were demonstrated by Roberto Alonso, Jesse Romero, Ana Alicia Romero, Pete Gallego, and Angela Valenzuela. Each contacted their respective constituent bases to inform them of the threat. ENABLE mobilized its network and was able to spearhead letter writing and email campaigns.

Monitoring Bilingual Programs

U.S. v Texas (Civil Action No. 6: 71-CV-5281) and the filing of the Motion for Further Relief, which is awaiting a decision, have brought monitoring to the legal arena. Regardless of Judge Justice's decision, there is a wider awareness of the issue as it relates to bilingual education and its implementation. This case brought together MALDEF's attorneys, and plaintiffs' strong-tie LULAC and weak-tie GI Forum. GI Forum's participation as interveners in the earliest civil rights Edgewood cases initiated a tradition that has become part of their heritage. GI Forum serves as an example of an organization that has a stake in educational equity among many other concerns and how they have manifested their willingness to serve the community by serving as interveners in lawsuits.

Roy Johnson, an IDRA employee, offered expert testimony that refuted TEA's information by pointing out inaccuracies in regards to monitoring.

The coalition continues to endorse and promote late-exit and additive bilingual education programs and continues to oppose Structured English Immersion (SEI) policy. This is of particular concern to those TCBE members who are educators including TACHE, TABE, IDRA, and ENABLE. TABE with its BESO (Bilingual Education Student Organization) arm and ENABLE with a large number of graduate students counted in their membership, coalesce around this issue.

Quality, Recruitment, Preparation and Retention of Bilingual Education Teachers

The Bilingual Education and ESL Scholars Program was founded and funded at the University of North Texas in Denton in 2005 to pay the tuition for bilingual students who chose to become certified bilingual education teachers. This was a victory for TCBE in that one of its objectives was met, at least at the UNT in Denton and Southern Methodist University in Dallas. Shenteley Shephard and Viviana Hall, of ENABLE, and both SMU graduates, networked with SMU's bilingual director, William Pulte, to implement the program.

Roberto Alonzo of MALC combined his legislative skills in coalescing with Rudy Rodríguez of TACHE. Rodríguez contributed networking and capacity building skills which have been honed during over thirty years of teaching and directing bilingual education programs. Alonzo's well-circulated letter to Dean Patterson of SMU regarding the university's lack of commitment to bilingual education within

the college of education, brought all his skill-sets to bear and contributed to the expansion of alternative training programs for the certification of bilingual education teachers.

The number of certified bilingual teachers still lags far behind the growing ELL population, and stipends are added to the salaries of bilingual education teachers. This problem remains one of the most critical challenges to the coalition because without qualified instructors, the type of bilingual education to be offered becomes a moot point.

I believe that one insidious way that opponents of bilingual education and ESL could decimate the future of all programs that require bilingual educators for their successful implementation, is to allow the pool of potential teachers to dry up. The interim solution would be staffing by unqualified teachers which would lead to a lack of progress in student achievement. In fact, it would lead to a widening of the achievement gap of ELLs and other students while increasing the drop out rate for students in intermediate as well as high school. The Coalition must find an effective way to deal with this problem. As Crawford (2004) makes clear, “the achievement gaps between LEP students and their counterparts will not be closed if the public school system cannot provide them with qualified instructors (Crawford, 2004).

The Vulnerability of Bilingual Education – a Constant Coalition Concern

Moyer (2001) correctly includes in his underlying assumptions that “participatory democracy is a key means for resolving today’s awesome social problems and for establishing a just and sustainable world for everyone.” The fact that the TCBE’s goals are put forth on behalf of a population that in many cases not only is unable to vote, but is not aware of the complex, contentious educational and civil rights aspects of that are woven into the policy and practice of their children’s education, and even less the means to advocate for on their own behalf, puts a particularly heavy burden on the TCBE members and others who are defenders and advocates on this issue.

For example, although the *Rodríguez* case was argued by a pro-bono lawyer in 1971, the numerous, convoluted complex legal issues that are presently bound to educational policy require a vast amount of highly skilled professional labor with a true cost that is absolutely astronomical. As mentioned, the resistance and hostility towards bilingual education, and in no brief measure its consumers themselves, have escalated the intricacy of the drive for successful outcomes. MALDEF, the legal strength of the TCBE and IDRA, its principal research component, have stood their ground on behalf of this underserved population, against tidal waves of opposition.

The relative lack of political clout in the Latino community remains a stumbling block to the election of representatives who are sensitive to Latino issues. Rodríguez (2002) notes, “Latinos have low rates of electoral participation that is compounded by non-citizen Latinos.” Hayes-Bautista, Schink and Chapa’s (1988)

concept of the “voice ratio” as summarized below; helps illuminate the consequences of this situation.

We may construct a “voice ratio” that gives an index of the relative strength of a group’s voice. It shows for every 1,000 registered voters the number of unregistered people whose concerns must be carried by those who participate. If a group has few participants, and large numbers of non-participants, its voice will be low: there are few attempting to express the political concerns of the many. Conversely, a group with many participants and few non-participants will have a high voice. The concerns of most may be expressed directly.

One hope and partial solution, shepherded by TCBE members is that in their preparation, the (slowly) growing population of bilingual education teachers be able to see the political position of bilingual education within the entire Texas education matrix in order to not only analyze what is happening in their individual school through the lens of the best pedagogical practices they learned in school but to be more aware of the motives of administrators and others who, from their positions outside the classroom, seek to influence what happens inside the classroom. To that end, Gómez (personal interview, December 2, 2006) suggests that:

As part of a foundation’s course for bilingual education, a teacher needs to be prepared with a course that it go beyond the state laws and rules and regulations of bilingual education and that it really move into the area of politics, and into the area of policy making so that teachers have a greater understanding of where their principals are coming from, or their superintendents when they promote or support or early exit or early immersion in programs, they know what is happening versus they just know follow the lead and they just forget everything they learned and they just adopt what the school is doing.

Another *tarea* (task) that proponents and defenders of bilingual education must undertake with more consistency and passion is that of bringing bilingual education to the actual consumers of bilingual education. This is particularly critical

for our immigrant populations, who need clear and relevant information that explains that the best research has shown it takes five to seven years for children to learn a second language. Outreaches to clubs, churches, and community organizations could help reduce the numbers of parent denials which parents sign due to misinformation on the nature of bilingual education and its advantages and value for their children.

It is noteworthy that one unintended consequence of dual language programs may be to help increase the “voice ratio” of bilingual education advocates. While these programs serve our immigrant population, they also appeal to middle- class acculturated Latinos whose children are not fluent in Spanish, as well as non-Latino families who see the cultural and economic advantage of their children speaking Spanish.

The chronic under funding of bilingual education forces some advocates to be concerned about the spending priorities of available funds. For example, González (follow-up interview, March 22, 2007) wants to be sure that the core immigrant population of ELL students is adequately served and that monies are not diverted to dual language programs at their expense.

Reaching Out – ¡Bienvenidos!

One challenge that emerged from the data is the multi-leveled necessity of the TCBE to assist stake-holding constituents to become aware and empowered so that they may be informed participants in the language education issues that so powerfully impact their lives and futures. It is not enough to advocate on their behalf. As

Valenzuela (personal interview, March 21, 2007) acknowledges, there must be a combination of old and new actors. She identifies “*los jóvenes estudiantes inmigrantes*,” as a new sector that brings energy and passion to the struggle. She explains:

This new group is hungrier and they are very hurt. The students are very starved and hurt by apologies about what is happening. Their courage is very inspiring. This type of leadership seems to be the one to carry the banner in the future.

Along with community activists, Joe Bernal, Angel Noé González and Oscar Cárdenas, MALDEF’s collaboration with the Dallas parents’ group, Organización Para el Futuro de los Estudiantes (OFE), Viviana Hall and Shenteley Shepherd’s engagement in ENABLE’s many community activities, and IDRA’s outreach to parent groups, are three examples of TCBE members extending coalition energy into the larger community.

In this situation, a “weak-tie” support organization deals with one of the social realities that confront ELLs today- that parents of ELLs are disproportionately represented in the prison population (Watson, et al.,2004) The TCJC has a program called the University Leadership Institute which is a group predominately comprised of female immigrant college students. They are trained by the TCJC to educate people in the prison system. The TCJC has developed its own curriculum using social action theory and best practices bilingual education pedagogy. Ana Yañez-Correa is the director and one of the founders of the TCJC. She also is one of the Lonche partners. She has been mentored by TCBE member Angela Valenzuela. Yañez-Correa has also benefited from her membership in strong-tie organization

LULAC as a founding member of the LULAC Legislative Council. She polished skills that enabled her to coordinate organizational capacity as well as to, advocate and communicate effectively. She is vocal, articulate, empowered, and committed.

These activities have serious implications in the consideration of whether stated TCBE goals which were not reached during the time of this study will have a better chance as time goes by. There is obviously a need to exert additional political and social pressure on decision makers including legislators. One of the strongest arguments for bilingual education itself is also a call for full participation by its consumers (Hernández-Chávez, 1977). Hernández-Chávez argues that for language minorities, the direction of empowerment is not that of trying to be indistinguishable from the Anglo majority, but rather that, “they strengthen themselves from within-culturally, socially, politically and economically.” One recommendation is more formalized collaboration with voter-registration drives and organizations such as Southwest Voter Registration and Education Project (SWVREP), one of the supporting organizations. The increased outreach efforts of the TCBE members, therefore, are not only pragmatically and theoretically correct for today, but rather are literally, politically correct for tomorrow.

Texas Center for Education Policy at the University of Texas at Austin, opened in 2006. TCBE coalition member, Angela Valenzuela, is the director. Even though this center is not specifically dedicated to bilingual education policy, Latino education policy will be a major focus of the research and contribution to the need for

the improvement of ELLs. As director and major contributor to the research agenda, she affirms that the center will serve to nurture the next generation about policy issues. “Only policy can carry one through all of the detail and strategy.”(A. Valenzuela, March 21, 2007).

In addition to my conclusions about these three overriding TCBE objectives, the following findings and implications form part of my conclusions.

Under-funded Schools

One of the most sobering and disheartening findings in my research has been the discovery that groups with enormous amounts of money wield power and influence in ways that play inappropriate and overwhelming roles in determining the present and future status of Texas public education. Additionally, this situation seems to be creating a negative impact on ELLs. There is not one organization that belongs to the coalition with “big bucks.” Furthermore, the fact that ELLS and their families live at or below poverty-level and the absence of moneyed interest groups or supporters, present enormous barriers to an equitable education for ELLs.

Under-funded schools continue to be a daunting reality, and this adversely affects Latino communities. Just days ago, high-performing but low-enrollment schools in the overwhelmingly Latino San Antonio Independent School District were on a list of schools to be closed. Superintendent Robert Durón (Guzmán, 2007) stated clearly, when interviewed about what it would mean to the district if some of the district’s schools were closed and consolidated with other schools, “If we had

millions of dollars at our disposal, why would we need to close schools? We would never do it.” (Translated from Spanish) Schools on the now publicly repudiated and rejected list in this district, composed of 92% economically disadvantaged students, (Guzmán, 2007) included Bonham Elementary which houses a renowned dual-language program.

Underfunded Bilingual Teacher Training

The specific lack of funding for bilingual teacher training has been covered previously, and does not portend well for the future of bilingual education programs taught by qualified and certified teachers. At present, stipends are paid to attract bilingual teachers in a market where the demand far outdistances supply. This fact itself was used to suggest that bilingual education be eliminated, which demonstrates that any excuse will do. “We need quality certified bilingual education teachers. *“Tenemos que hacer algo drástico”*. (O. Cárdenas, personal interview, May 23, 2006).

Districts are struggling to find enough qualified bilingual education teachers to handle the unprecedented growth of ELLs. In 2006, about twenty-two percent of 12,544 teachers instructing in bilingual/ESL classrooms at the first grade level and higher were not certified in the field. At the pre-kindergarten and kindergarten level, the rate was about 40% (SBEC, 2006). Many of these teachers are not from the United States, a fact that is significant because of the missed opportunities caused by the dismal Latino college graduation rate which also heightens the potential for

teachers who are Spanish-speaking but pedagogically untrained to be in the classroom. Ana Alisia Romero summarizes:

Bilingual education teachers are being brought in from Mexico, Spain and Puerto Rico...we are not against it, but we would rather see that the state make a concerted effort to certify and encourage more people to go into this field of bilingual education because in the worst case scenario you get a person in the classroom who only has the ability to speak the language, has not been certified and has no other credentials. (A. Romero, personal interview, May 23, 2006)

Coalescing efforts in North Texas, and specifically in the Dallas Metroplex, have proven successful with a recent partnership with Southern Methodist University and the Dallas Independent School District. Leading roles were played by Hall and Shepherd in ENABLE and their strong influence at SMU, Héctor Flores and his connection with personnel staff in the DISD, Alonzo's vigilant eye on funding for bilingual education teachers, González's ceaseless community activism and Rodríguez's model Future Bilingual Education Academy at neighboring University of North Texas in Denton. Achievement gaps between LEP students and their counterparts will not be closed if the public school system cannot provide them with qualified instructors (Crawford, 2004).

ELLs: Economically – Educationally Disadvantaged

ELLs and their families represent one of the most economically disadvantaged groups in our educational system. As stated elsewhere in this dissertation, their almost total lack of financial capital or political clout, combined with the historical and present policies of exclusion and de facto segregation, as evidenced in the Dallas

case, will result in an entire generation of severely undereducated young people unless drastic changes in the educational system take place immediately. At this time, they are paying the price for the “Latino backlash” which seems to be building up steam fueled by the immigration debate.

Murdock’s Texas Challenge in the 21st. Century predicts that by 2040 the majority of the Texas population, labor force, K-16 enrollment, income earners and consumer expenditures will be dominated by non-Anglos (Texas State Data Center, 2002). Unless socioeconomic differences among racial/ethnic groups change through increased education, increase in non-Anglo populations will increase the demand for state services and reduce the amount of available resources and revenues. A poorer, less-educated population seems inevitable.

Economic Necessity

Federal and state government agencies, institutions of higher learning, public schools systems, the Texas Legislature and advocacy groups all need to support Latinos and minorities to take their place in the classrooms of institutions of higher education. This shift is a necessity in order that these students, many of whom will be the first generation of their families to attend college, acquire the information and skills necessary for success in this new century. The educational difficulties that Latinos encounter often discourage them from pursuing higher education and in the interim they trivialize intellectual and economic pursuits, causing a perpetuation of the circular/systemic problem (Gallego, personal interview, August 2, 2005).

An increase in the economic wealth of individual families and the amount of capital assets that can be controlled by Latino institutions could be driving forces if we are to close the academic gap and eventually the economic one. The TCBE knows that without adequate bilingual education right now for ELLs, there will be no “*mejor futuro*” (better future) for them, their families, or anyone else in Texas. The TCBE’s struggle is really the fight of the new millennium

Facing the Opposition

Wealthy think tanks and conservative groups oppose bilingual education on the grounds that it is not representative of the “traditional values” that keep the United States from tearing apart. Their rhetoric makes virtually no attempt to temper its anti-immigrant stance. While scholars spend time in the field, debate research paradigms and meticulously cite sources, entities like the Lexington Institute generate and disseminate inaccurate information, they also call “research” to decision-makers including legislators with little regard for its veracity. These groups, some of which count politicians in their membership, lobby on numerous issues they insist are inexorably bound together.

TCBE members on the other hand, must constantly make difficult choices with respect to the use of very limited time, resources and energy. They obviously lack even the most modest of funds to combat this assault. Nevertheless, the economic realities that drive political decision making must continue to be reckoned with.

The Appropriations Committee is the source of money for bilingual education programs at the state level, and there must be effective strategies to educate and influence its members. An increase in informed and dynamic legislative consultants is essential. Elected representatives, particularly those in MALC, need to continue to push bilingual education as an issue and use their bargaining skills to preserve and promote it.

Voter registration, information sharing among all constituents, particularly immigrant populations, and the acknowledgement of bilingual education as a political issue are all coalescing concerns that could lead to a more secure funding picture for bilingual education. Candidates for public office should be informed about bilingual education and questioned about their stance, particularly in light of Murdock's predictions and other socio-political realities.

In the past, the lack of a long-term unified "best practices" position among all bilingual education proponents left an opening for misinformation to take a foothold. Legislators might have been able to legitimately claim that they were not well-informed on this confusing topic. This situation is changing. The pedagogical superiority of late-exit bilingual education models is now widely recognized. In this atmosphere, the moneyed influence brokering will become more starkly visible. It is part of the TCBE's responsibility to get the word out. Whether money will still be the ringmaster cracking the whip over legislators and other policy makers remains to be seen.

TEA's Challenges to Bilingual Education Policy

The Texas Education Association seems to have bottomless pockets (lined with taxpayer money). Its *modus operandi* with respect to civil rights and equity aspects of bilingual education policy, funding and monitoring, among other issues, seems to create a situation in which it is now almost predictable that the TCBE members including MALDEF and LULAC mount lawsuits against it. Armed with publicly funded attorneys, expert witnesses, and army of number crunching bureaucrats who are able to perform such sleights of hand as hiding hundreds of thousands of drop-outs with a single statistic, the State of Texas takes on all comers. Were it not for the dedication and coalescing of TCBE members, TEA injustices would go unchecked, and ELLs would be even further behind in their constitutionally guaranteed right to receive that elusive “diffusion of knowledge.”

Finally, many of us who are involved in the effort of civil rights in education and the quest to improve the quality of education provided to ELLs are in a perpetually vulnerable state because one interest group or another is constantly trying to tear down what coalitions like the TCBE are trying to accomplish. Regardless of the challenges, we must carry on.

A constant source of inspiration is Ernesto Cortéz (1994) who tirelessly and brilliantly articulates his lifetime of effort which has successfully mobilized Latino communities through expert leadership skills, an understanding of how to get power and how to use it, political wisdom, negotiation skills, and how to form coalescing relationships. His success in the establishment of Communities Organized for Public

Service (COPS) in San Antonio, Texas has been instrumental in the improvement of the city. Joe Bernal and Oscar Cárdenas were influenced by his presence and activism. I feel particularly respectful and grateful to the TCBE members I interviewed and want to be sure that their efforts and contributions are not simply measured by whether or not the coalition.

Need for Innovative Research on Coalitions

Many coalitions are formed for a single event or around one, straightforward, relatively uncomplicated issue. For example, a coalition may coalesce to plan an anti-war march. While the membership could include groups representing military veterans, organizations comprised of college student body officers, and a group that represents a religious coalition, the goal could be articulated quite simply. This is not a reflection of the impact or usefulness of such a coalition, simply an observation of its purpose.

Other coalitions have members of one particular profession or vocation who gather to further their professional agenda, for example a teachers' union. Much of what has been written about this type of coalition does not apply.

The Texas Latino Education Coalition was created during the last three special Texas legislative sessions from 2004 to 2006. This coalition, whose composition counted with several of the TCBE members, was instrumental in advocating fair funding for education for Latinos.

Not only does the TCBE's membership and purpose exist far outside these parameters, the complexity of the issue it coalesces around, and therefore the complex cast required to effectively deal with the issue, challenges conventional wisdom, even that of well-respected scholars who study coalitions.

Although Hula (1999) acknowledges the presence of educational issues such as desegregation and nondiscrimination in the civil rights domain, his characterization of the education domain does not reflect the powerful forces which continue to coalesce against the many elements necessary for bilingual education to succeed in Texas public schools. He writes:

education policy is an area in which the business community plays a relatively small role. From time to time individual businesses or business coalitions take part in the educational policy debates, but this is rare and generally limited in duration.

In the case of TCBE's focus, much of the opposition is well-funded by business interests. California entrepreneur Ron Unz initiated and pushed Proposition 227 in 1998 and ended bilingual education. He engineered the passage of similar law in Arizona in 2000 (Proposition 203). In Texas, Dr. James Leininger, founder of the Children's Educational Opportunity Fund (CEO), a non-profit group in San Antonio that provided privately funded vouchers, or scholarships, for parents to enroll their children in private schools, has awarded more than fifty million dollars to the scholarship program, while at the same time has contributed over two million dollars to Texas Republicans (Reinlie, 2005).

Studies of ethnic organizations which are composed of Mexican Americans, will become increasingly less relevant in describing the coalescing behavior of the

TCBE as research indicates that some of the most active and community connected members are Latinos who are recently arrived immigrants from numerous countries.

If and when the arguments over bilingual education become strictly based on pedagogy, there is a good possibility that more educators, regardless of ethnic makeup will support the best practices for ELLs, but it is not known whether they would support the coalition's agenda.

Analysis which totally disregards ethnic makeup and cultural concerns and strengths, runs the risk of placing research outside the context that created it and even returning to the time when race and ethnicity were not mentioned, and everything was therefore Anglo by default.

My research and experience suggests, therefore, that today's scholars will need to create new research paradigms. We must be expert information hunters as much is still unknown and not seen as urgently relevant, as well as information gatherers, for much has been lost.

I have no doubt that the TCBE, its membership and strategies will continue to change, probably at an ever-increasing rate. It is with an eye to Lincoln and Guba's (1989) notion of dependability that I draw the final implications from my data.

An Effective Coalition

In spite of daunting opposition, I believe that we are in a moment like no other in Texas which bodes well for the TCBE in its efforts to positively affect bilingual education policy and improve the future for ELLs. This is the first time that the passionate Latino and Chicano progressive activists, veterans of Texas racism and

discrimination as well as keenly aware of *el Movimiento Chicano*, the death of Rubén Salazar, and the efforts of César Chávez, young energized Latino professionals, dedicated to reform and progress in honor of their parents and grandparents, and in hope for their children, and the emerging educated, and empowered immigrant who has begun to step to the forefront of the struggle have been able to coalesce in a united effort.

While the first group has lived through much, and continues to participate, concern for the future is obvious. Albert Cortéz, who fits this profile, observes:

What is missing is the historical awareness of what it took to create, to create, to establish bilingual education policies. The entire process of making bilingual education politics what they are. People are not aware of the battle it took to get bilingual education.. (personal interview, May 18, 2006)

His concern is born of knowledge of what happened without these programs.

Civil rights exposed the language issue. We were ridiculed and made fun of because we didn't speak like them [whites]. The first generation had these experiences. As the programs were in place, racism quieted down for those who had language differences. (ibid)

It is no doubt his memory of these realities that make him very protective of the gains that have been made, and reluctant to put them at risk. His accessible and prolific writing on matters of education exemplify his generation's generous contribution of time and wisdom, in the effort to achieve a common goal (Hayes-Bautista, 2004).

Jesse Romero, as we have seen, is a young family man who works as a legislative consultant. He represents the educated and informed United States born Latino who is working as a professional with a purpose. Through his work he is able

to share his inside observations with those who have no access or understanding of the power and politics that dominate the legislature as well as with those who have had more exposure and experience. He makes it clear that this is a time of challenge and movement.

I will say this-that things are changing. Like right now, you can talk to legislators for so long and then they are going to listen to you or they are not. Right now they are not listening, but even at the national level, even on the Fox TV show, they are talking about ‘well do we really want to endanger the wrath of the Latino vote in the future? So, we’re gaining.’ (personal interview, May 23, 2006).

While as researchers we look for skill sets and delineate roles necessary for effective coalition efforts, a new citizenry, perhaps the fulfillment of the dream of *La Raza Cósmica*, (Vasconcelos, 1958), *Atzlán* (Vásquez, 2006) and *La Reconquista* (Ramos, 2002) is exemplified by TCBE member Senteley Shepherd, an ENABLE member. She has the most authentic and critical skill sets (Noboa, 2002), which could be referred to as “life skills” which have enabled her to emerge, undaunted by the racism and other obstacles that were inevitably in her path as an immigrant, to serve as a bridge (Granovetter, 1973) to all the constituencies in the bilingual education landscape. She exemplifies the phenomenon of the ELL immigrant who becomes a highly trained professional who then advocates on behalf of the immigrant population while at the same time can relate to the most recently arrived immigrant through their shared experience.

In her testimony before the Texas State Board of Education meeting organized by Joe Bernal to discuss the issue of bilingual education and SEI,

Shepherd, a graduate student and elementary school vice-principal, tells the assembled bilingual education policy makers and experts:

I would like to introduce myself to you as an English learner. English is my second language. When I came here I was seventeen years old.....I was placed in a bilingual program....my Mom told me, "Honey, you are going to make it. You will learn English and you will make it. Had I not had that support from my parents, I would not have made it....We have a high Hispanic drop-out rate because our students cannot understand. In high school we no longer have bilingual programs. There are only ESL immersion programs. (SBOE transcript, 2006).

These roles, to differing degrees of intensity and need, perhaps, are examples of Alinsky's (1969) organizing principle that people could only be organized around their self interests and that:

The interests of racial minorities and the poor are as straightforward as they are universal: good schools, decent wages, quality education and secure employment.

As Friere (1970) reminds us:

It is only when the oppressed find the oppressor out and become involved in the organized struggle for their liberation that they begin to believe in themselves. This discovery cannot be purely intellectual but must involve action; nor can it be limited to mere praxis.

It seems so simple. Why does it remain so difficult?

My Commitment to Bilingual Education Policy Reform: A Proposal

I would rather have my own organization. I would rather have my own thing. We need people that see the need of putting together these ideas into the framework of policy and changing the law in a completely different approach. We cannot depend on throwing a conference every year to get these things accomplished. Roberto Alonzo (personal interview, August 5, 2005)

One conclusion I have drawn from my research data is that Texas would greatly benefit from a freestanding, nonpartisan and non profit bilingual education

center/think tank to serve students, educators and others who impact or are affected by language policy, legislation, and other related issues. Murdock's predictions for the year 2040 remind us that there is little time to solve the unsolved and often ignored problems that affect our underserved Latino population.

In an effort to reach out to the larger Texas community, the center would promote the numerous and indisputable advantages of a workforce of bilingual and multilingual individuals. It could work to bring a positive perspective to the perceptions of populations which bring cultural diversity to the Texas table.

The center would be a touchstone for organizations that either tightly or loosely coalesces around these issues. I have heard TCBE voices explain that a permanent, independent center would bring continuity and stability to their efforts.

Leo Gómez (personal interview, December 2, 2005) remarked,

In the future we need an executive director or somebody that would be there on a permanent basis because a flaw of any organization is that there is a turnover of people. We are always having different board members and the president only serves one year (referring to TABE).

An independent center with a strong and committed advisory board, a qualified administrative staff, policy and fiscal analysts, outreach, development, and projects directors as well as legislative consultants could operate very efficiently and mitigate the ups and downs of individual organizations.

National and state centers, which exercise varying degrees of independence with respect to their financial and physical proximity and dependence on larger institutions, certainly validate the importance of research, advocacy, and innovation

which deals specifically to the diverse, booming Latino population in the United States.

National and Noteworthy

At the national level, the Center for Research on Education, Diversity and Excellence (CREDE) is headquartered at the University of California, Santa Cruz. It develops effective educational practices for linguistic and cultural minority students. The center is funded by the United States Department of Education and partners with the Center for Applied Linguistics (CAL).

Another prominent and well-known national organization is the Pew Hispanic Center which is headquartered in Washington D. C. It is funded by the Pew Charitable Trusts. This center improves the understanding of the U. S. Latino population and chronicles the Latinos' growing impact on the entire nation through public opinion surveys in areas that include education, immigration and labor.

The National Council of La Raza (NCLR), an organization with Texas roots, is a treasured ally to most of Latino civil rights advocates because el *concilio* continues to advocate for electoral empowerment, justice, education, employment and economic opportunities - issues important to Latinos. It is well-funded through a host of institutional corporate partners.

For more than twenty years, The Tomás Rivera Policy Institute (TRPI), with a home office at the University of Southern California, has examined timely issues that include education, political participation of ethnic minorities, access to healthcare,

and information technology. Several universities, including the University of Texas at San Antonio, house satellite offices of the Institute.

In Texas – For Texas

In Texas, the Center for Public Policy Priorities (CPPP) is a nonpartisan, nonprofit think tank committed to use research and analysis as a means to improve Texas public policy. This institution is housed on Austin's East Side. Its progressive perspective naturally makes the CPPP sensitive to issues that affect the lives of economically disadvantaged populations.

Another Texas organization is the Institute for Second Language Achievement (ISLA), located at Texas A&M-Corpus Christi. It is funded by a grant from the Texas Education Agency to the Texas A&M University System and provides technical assistance and intensive instruction to educational entities with high population of ELLs to achieve the goal of accelerating their academic achievement.

As previously noted, TCBE member Angela Valenzuela spearheaded the creation of the Texas Center for Education Policy located on the campus of the University of Texas at Austin. Valenzuela (personal interview, March 21, 2007) refers to this center as “a cross interdisciplinary interest of fertilization” because it consists of academicians who enter a certain area of research with much more honesty than researchers for hire or mercenary researchers.

An independent center could serve as a permanent repository of all relevant materials, from court case transcripts and web casts, to position papers, by-laws,

minutes, newspaper articles, videos of training sessions, and other information that is now scattered and unavailable to those who could most benefit from it.

Declaration of the Need for Independence

The need for independence is a theme that runs through TCBE members' wish-lists. Viviana Hall (personal interview August 6, 2005) comments, "We have depended on the public education system too long. We need to take off on our own."

Of course one of the biggest hurdles in opening a center of this type will be to find funding, but at least there will not be bloated salaries or gold-plated fixtures to finance. We know that money will be a challenge, but in light of the challenges that ELLs and other face on a daily basis, it's a dream that's worth the effort, a million times over.

I have a lot of confidence and hope for this dream and the dream of a bilingual and bicultural Texas because, through the coalition members, I see the world changing. Voices in the TCBE say that the current ELLs will form a *Nuevo Liderazgo* (new leadership). Present TCBE members were educated predominately in Spanish or English, but this *Nuevo Liderazgo* will be truly bilingual because they were educated bilingually. They will chart the future of successful bilingual education policy with their global vision. People will listen – in both languages.

APPENDIX A

TEXAS COALITION FOR BILINGUAL EDUCATION POSITION STATEMENT

**Educating English Language Learners
in Texas Public Schools**

Texas Coalition for Bilingual Education

Unified Position Statement on Bilingual/ESL Education
Policy Reform Issues in Texas

April 2004

Coalition Members

- ♦ Dr. Joe J. Bernal
- ♦ Mr. Oscar Cárdenas
- ♦ Effective Networking for Advancement of Bilingual Education / Bilingual Education Association for the Metroplex (ENABLE/BEAM)
- ♦ Intercultural Development Research Association
- ♦ Mexican American Legal Defense and Educational Fund (MALDEF)
- ♦ Texas Association for Bilingual Education (TABE)
- ♦ Texas League of United Latin American Citizens (LULAC)

Introduction and Background

As stakeholders in the education of Texas students, we offer the following data as crucial to the equitable funding of bilingual programs, the training of bilingual teachers, and the monitoring of bilingual programs to ensure federal and state compliance and research-based practices in these same programs.

The total student enrollment in Texas for 2003-04 is 4,328,028. Of those students, 660,707 are identified as limited English proficient (LEP), 15.3 percent of the total student enrollment. Ninety-one percent of the identified LEP population speaks Spanish in the home (National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, 2003).

From 1989 to 1990 when the identified LEP student enrollment represented 9 percent of the total student enrollment in Texas, the total student enrollment in Texas had grown at a rate of 25.6 percent while the LEP student enrollment had more than doubled (113.2 percent) during the same period. In 1981, when the bilingual education legislation was enacted, the Texas LEP enrollment totaled approximately 25,000 students. Twenty-four years later, the LEP count numbers approximately 660,000 pupils (Texas Education Agency LEP Student Census 1980-2003).

In the current school year, a total of 40,676 who were identified as LEP students were not enrolled in a bilingual/ESL program under exceptions, in large part because of the persistent shortage of certified bilingual and ESL teachers (Texas Education Agency 2003-2004). With Texas Hispanic population among the fastest growing populations in the Texas, it is projected that the Texas LEP population will approach 1 million pupils by 2010, or approximately 31 percent of projected enrollment growth (IDRA, 2004).

The strongest predictor of English language learners (or LEP student achievement in English) is the amount of formal native language schooling provided to those pupils. The more native language grade-level schooling, the higher the English language achievement (Collier and Thomas, 2004). Bilingually-schooled students outperform students taught in one language in academic achievement in all subjects, after four to seven years of bilingual schooling (Texas Education Agency: Texas Successful Schools Study: Quality Education for Limited English Proficient Students [TEA] 2000).

English language learners whose parents refuse bilingual/ESL services show large decreases in reading and math achievement by grade five. Cross-sectional findings indicate that the largest number of dropouts come from this group. The cumulative cost (forgone income, lost tax revenues, and increased job training, welfare, unemployment and criminal justice costs) of dropouts in Texas between 1985 and 2003 was nearly \$500 billion (Texas Education Policy Digest Series; IDRA Newsletter, October 2003).

Current state education policy in Texas notes that, "English is the basic language of this state." Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. **Experience has shown that public school classes in which instruction is given only in English is often inadequate for the education of those students.** Given that the mastery of basic English language skills is a prerequisite for effective participation in the state's educational program, bilingual education and special language programs are necessary for those students. This facilitates their integration into the regular school curriculum (Texas Education Code, Section 29.051).

Based on research and recognized best practices, we the coalition in support of bilingual education, have adopted the following unified positions.

Funding Equity

The bilingual education coalition will support:

- Funding weights for special populations and will oppose block grant funding for these groups.
- Separate funding weights for bilingual education and compensatory education based on different student characteristics.
- A bilingual and ESL weight of no less than 0.25 of the adjusted basic allotment.
- Limiting allowable administrative costs to no more than 15 percent of bilingual education and compensatory education allocations (TEC Section 42/153).
- Provisions that strengthen requirements that funding generated by bilingual and ESL pupils shall be used only to provide services to those LEP students served in bilingual education and ESL programs.

Evidence and Rationale

Under-funding of the program at the state level passes on costs to local school districts, which contributes to increases in local property taxes.

Studies dating back to the 1970s estimated that add-on costs for bilingual education were approximately 22 percent to 25 percent of regular program costs (*Bilingual Education Cost Analysis*, IDRA, 1976).

Studies conducted in the 1980s in Texas estimated that total bilingual education add-on costs were 40 percent of regular program expenses (Texas School Finance Coalition, 1984).

Some states provide substantially more funding than Texas, with some providing up to a weight of 0.50 per pupil ("State School Funding Policies and Limited-English-Proficient Students," *Bilingual Research Journal*, 26:3 fall 2002).

Funds from special allotments for bilingual education and ESL are invariably used to enhance total campus program offerings and are not used to directly impact training of teachers, quality of instruction, and materials support in program offerings for the LEP population (Texas State Auditor Report on Bilingual Education, March 2002).

Monitoring Bilingual Program Implementation and Compliance with State Requirements

The bilingual education coalition will support:

- Expanding TEA on-site monitoring of bilingual education programs on a three-year cycle consistent with the requirements of *U.S. v. Texas*: Civil Action 5281.
- Monitoring of bilingual education programs conducted by qualified evaluators and other personnel knowledgeable in bilingual education/ESL programs.
- Limiting bilingual exceptions and waivers granted by TEA and SBEC in districts that continue to hire non-fully certified personnel to two years.

- Returning to an associate commissioner for bilingual/ESL education by creating a department at TEA with ample resources to carry out the bilingual and ESL mandates found in state and federal policy.

Evidence and Rationale

Ineffective oversight efforts have perpetuated serious non-compliance by many Texas school districts. This non-compliance has resulted in a failure to address the linguistic and academic needs of English language learners, particularly the LEP student population in grades pre-K to two with effective bilingual education and ESL programs, thereby reducing the opportunities for closing the achievement gap (An audit report on the Texas Education Agency's Monitoring of School Districts Regarding Bilingual Education, Texas State Auditors office, March 2002).

Although TEA conducted more than 1,000 on-site reviews during the 2001-02 school year, agency data show that it did not monitor bilingual education every three years as required by the Texas Education Code (Texas State Auditor, March 2002). In fact, the report notes that TEA conducted almost all of its on-site visits during the summer when few students were present.

Monitoring for compliance of bilingual education and ESL programs is done by a group of educators and administrators who participate in the Texas School Improvement Initiative (TSII), the District Effective and Compliance (DEC) and accreditation visits. Invariably, the "monitors" are individuals of limited Spanish proficiency who participate in one week of training initially and an additional week of training each year. Reports of non-compliance when districts are to be cited usually are delayed beyond the 30-day turnaround requirement found in both the statute and *U.S. vs. Texas: Civil Action 5281*.

Assessment instruments are not aligned to instruction and are not linguistically appropriate.

Bilingual exceptions to the required bilingual education program continue to be numerous, repetitive and procedurally approved each year by TEA. TEA has failed to carry out the accountability provisions presently found in TEC Chapter 29.054

Bilingual education is unique because it is a microcosm of all major education issues including assessment, curriculum, textbooks, research, evaluation, finance and accountability.

Teaching Quality, Bilingual Teacher Recruitment, Preparation and Retention

The bilingual education coalition will support:

- Improving the quality of teachers in bilingual education programs by recruiting, retaining and re-integrating certified bilingual teachers and providing increased funding and training at universities.
- Implementing a statewide campaign to encourage more students to enter teacher preparation programs in bilingual education.
- Providing funding for universities, community colleges and education service centers to collaborate in recruiting prospective bilingual education teachers.
- Adopting a loan forgiveness program for teachers trained and employed in bilingual education.
- Increasing base salary for teachers in bilingual education and ESL.

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- Providing funding for certified teachers who have left bilingual education to return to the classroom as teachers of LEP children.
- Providing incentives and professional support to encourage retention of certified teachers in bilingual education.
- Supporting SBEC efforts to improve the teaching of bilingual education as a part of continuing professional development for teachers.

Evidence and Rationale

School districts continue to assign poor quality teachers and permanent substitutes to work with the LEP population. The practice of using permanent substitutes is used by school districts to circumvent TEA and SBEC requirements. This practice is usually in the lower grades where the highest number of LEP students are enrolled.

Studies have documented that identification and successful recruitment of bilingual and ESL certified teachers have been a pervasive problem in school districts throughout Texas and continue to be critical shortage areas (State Board for Educator Certification, 2002).

Researchers have determined that at least one of three, or approximately 30 percent, of new teachers hired to work in bilingual or ESL classrooms are not certified to teach in those areas. The highest incidence of non-certified teachers occurs in the elementary level (Texas A&M University New Teachers Study, 2002).

Demographic and enrollment trend data indicate that LEP pupils will become an increasing proportion of the Texas student population, thereby expanding the need for more teachers prepared to work in bilingual education and ESL classes (Steve Murdock, Texas Population Center, 2002; Texas Education Agency, 2002).

The bilingual education coalition reserves the right to include additional items to this position statement.

APPENDIX B

GUIDING QUESTIONS FOR PARTICIPANTS IN THE TEXAS COALITION FOR BILINGUAL EDUCATION

1. Since the 1960s, IDRA has been one of the organizations that has advocated for the rights of children for a quality education. What is IDRA's long term vision for continuing to advance this mission?
2. As a long-time researcher for IDRA, what do you believe are the essential strategies to secure educational equity for the continuing growth of Texas' language minority population and most specifically for English Language Learners?
3. As a policy maker, do you have an alternative design for a constitutional funding mechanism for legislatively solving public school finance?
4. What type of current research is IDRA conducting to create, implement, and administer innovative programs in bilingual education teacher and parent training?
5. What is your analysis of the sociopolitical roles that the Texas Latino leadership, both policy makers and advocates, needs to undertake in order to promote a commitment of bilingual education programs in the public schools?
6. You have been involved with the Texas Latino Education Coalition (TLEC) and Texans for Fair Funding since its inception. How do the issues of fair funding and equity vs. adequacy affect the quality of schooling that Latino children receive in Texas schools?
7. What have been the benefits of using a coalition (TLEC) as a tool to gather support for being influential during the regular and special legislative sessions?
8. Since the 1960s, MALDEF has been the organization that has litigated for educational equity and has changed the course of legislative policy for Latino students in the public schools in Texas. What is MALDEF's long term vision for continuing to advance this mission?

9. What is MALDEF's plan to enforce the court order in *U. S. vs. Texas* to implement an effective system of monitoring bilingual education programs?
10. What has been your role as a lobbyist for the Texas Association for Bilingual Educators (TABE)?
11. In your opinion, what is TABE's major responsibility for making certain that the state of Texas closes the academic achievement gap?
12. Since the 1960s, you have been one of the individuals that has advocated for the rights of children for a quality education. According to your prior experience and your current research as senior consultant for the Texas Education Agency, what is your long term vision for continuing to advance this mission?
13. You served as the senior consultant for the most recent Texas Successful Schools Study: Quality Education for Limited English Proficient Students. What were some of the programs, policies, and instructional practices of the seven successful schools and their contributions to the academic success of LEP students?
14. As the National President for the League of United Latin American Citizens (LULAC), how has your office been involved in securing educational equity for the continuing growth of Texas' language minority population and most specifically for English Language Learners?
15. As an employee for the DISD in the personnel department, what is your assessment of the growth in the past twenty-five years for the demand for quality certified bilingual teachers?
16. You have been active in the growth of bilingual education in Texas for at least four decades. What are your perspectives about the growth and implementation of such programs in the different regions of Texas.
17. You were involved in the Chicano Movement in Crystal City, Texas, where scholars such as Armando Trujillo have referred to that particular era as the ethnoterritorial policy of the construction of bilingual education. What are some of the important characteristics that you envision the Latino leadership changing according to the recent current events within the immigrant movement?

Follow-up Questions

18. How would the judge's favorable ruling in the motion for enforcement of monitoring compliance affect the effectiveness of future bilingual policy?
19. In what ways do you think that the TCBE needs to keep coalescing in order to promote and protect bilingual education policy in Texas?
20. What strategies and roles do you believe that the Latino leadership needs to be exercising during the present 80th Texas State Legislature (2007) in order to improve bilingual education funding?

APPENDIX C

RAUL SALINAS' POEM

OVERCOMING A CHILDHOOD TRAUMA

for a couple of teachers
along life's way

*I must not speak Spanish
in the classroom.*

*I must not speak Spanish on
the school grounds.*

I must not speak Spanish.

I must not speak.

I must not

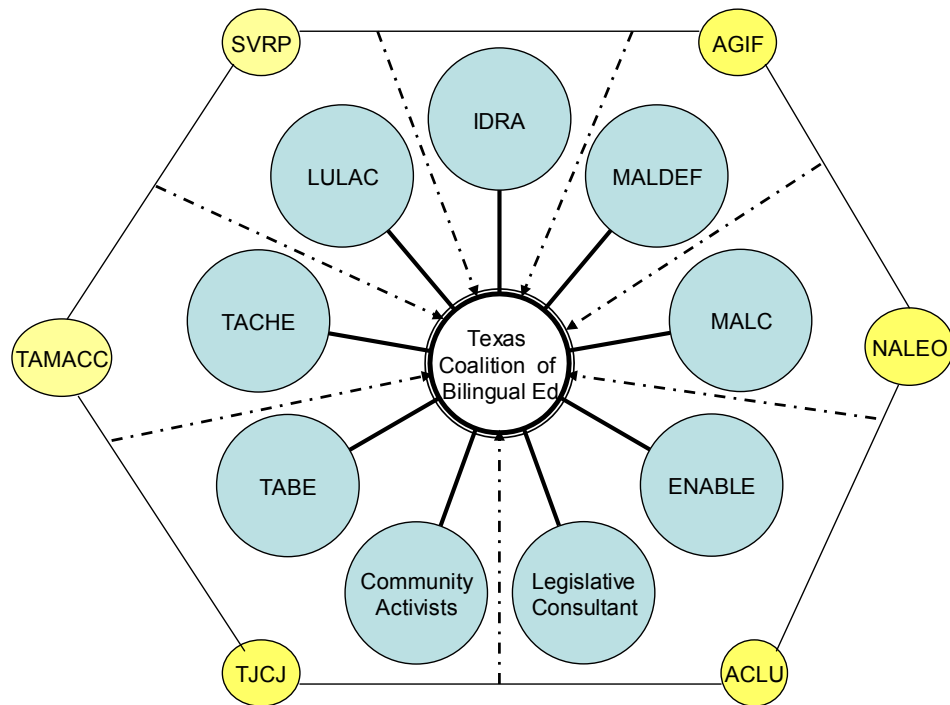
O' yesss i willlll,

CHINGUEN A TODA SU MADRE!!!

*Love,
Ray*

APPENDIX D

Strong and Weak Ties Organizations of the Texas Coalition for Bilingual Education



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